

## AMENDMENTS TO HOUSE BILL NO. 1538

Sponsor: SENATOR BAKER

Printer's No. 1955

1 Amend Bill, page 1, lines 6 and 7, by striking out all of  
2 said lines and inserting

3  
4 Section 1. Section 6139(a) and (b) of Title 61 of the  
5 Pennsylvania Consolidated States, amended December 18, 2019  
6 (P.L.776, No.115), are amended to read:

7 Amend Bill, page 1, line 10, by striking out all of said line  
8 and inserting

9 (1) The board may, subject to the provisions and  
10 limitations set forth in section 6138 (relating to violation  
11 of terms of parole), grant paroles of its own motion whenever  
12 in its judgment the interests of justice require the granting  
13 of these paroles.

14 (2) The board shall consider applications for parole by  
15 an inmate or the inmate's attorney.

16 (3) Notwithstanding the provisions of paragraph (2), the  
17 board shall not be required to consider nor dispose of an  
18 application by an inmate or an inmate's attorney where a  
19 parole decision has been issued by the board on that case  
20 within one year of the date of the current application for  
21 parole.

22 (3.1) Notwithstanding paragraphs (2) and (3), the board  
23 shall not be required to consider nor to dispose of an  
24 application by an inmate or an inmate's attorney in the case  
25 of an inmate sentenced under 18 Pa.C.S. § 1102.1 (relating to  
26 sentence of persons under the age of 18 for murder, murder of  
27 an unborn child and murder of a law enforcement officer) if a  
28 parole decision has been issued by the board within five  
29 years of the date of the current application.

30 (3.2) Nothing under this section shall be interpreted as  
31 granting a right to be paroled to any person, and a decision  
32 by the board and its designees relating to a person sentenced  
33 under 18 Pa.C.S. § 1102.1 may not be considered an  
34 adjudication under 2 Pa.C.S. Chs. 5 Subch. A (relating to  
35 practice and procedure of Commonwealth agencies) and 7 Subch.  
36 A (relating to judicial review of Commonwealth agency

1 action).

2 Amend Bill, page 2, by inserting between lines 1 and 2

3 Section 2502(c) (relating to murder).

4 Section 2503 (relating to voluntary

5 manslaughter).

6 Amend Bill, page 3, by inserting between lines 11 and 12

7 (4) Hearings of applications shall be held by the board  
8 whenever in its judgment hearings are necessary. Reasonable  
9 rules and regulations shall be adopted by the board for the  
10 presentation and hearing of applications for parole.

11 (5) Whenever an inmate is paroled by the board, whether  
12 of its own motion or after hearing of an application for  
13 parole, or whenever an application for parole is refused by  
14 the board, a brief statement of the reasons for the board's  
15 action shall be filed of record in the offices of the board  
16 and shall be at all reasonable times open to public  
17 inspection.

18 (6) In no case shall a parole be granted, or an  
19 application for parole be dismissed, unless a board member,  
20 hearing examiner or other person so designated by the board  
21 shall have seen and heard the parolee in person in regard  
22 thereto within six months prior to the granting or dismissal  
23 thereof. This requirement does not apply to paroles under  
24 section 6137.1 (relating to short sentence parole).

25 (7) The board shall dispose of the application within  
26 six months of its filing.

27 (b) Reliance on reports.--In granting and revoking paroles  
28 and in discharging from parole, the members of the board acting  
29 thereon shall not be required to personally hear or see all the  
30 witnesses and evidence submitted to them for their action, but  
31 they may act on the report submitted to them by their agents and  
32 employees, together with any pertinent and adequate information  
33 furnished to them by fellow members of the board or by others.  
34 In granting or revoking parole or bringing an alleged parole  
35 violator before a hearing examiner, the appearance may be  
36 conducted via videoconferencing or similar virtual presence  
37 technology. [This subsection shall not apply to victim input  
38 under section 6140 (relating to victim statements, testimony and  
39 participation in hearing).] Notwithstanding any other provision  
40 of law to the contrary, a hearing examiner, hearing officer or  
41 member of the board charged with making the parole release  
42 decision shall be required to hear and see in person, without  
43 the use of videoconferencing or similar virtual presence  
44 technology, any in-person victim testimony under section 6140  
45 (relating to victim statements, testimony and participation in  
46 hearing) or under section 502(b) of the act of November 24, 1998  
47 (P.L.882, No.111), known as the Crime Victims Act. Nothing in  
48 this section shall be construed to limit or reduce the rights of

1 victims under section 6140 or under section 502(b) of the Crime  
2 Victims Act.