
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1849 Session of
2023

INTRODUCED BY RABB, D. WILLIAMS, HILL-EVANS, MADDEN, KINSEY AND
KHAN, NOVEMBER 15, 2023

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 15, 2023

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in sentencing, further
3 providing for sentencing generally and providing for
4 restorative justice.

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

7 Section 1. Section 9721(a) of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended by adding a paragraph to read:
9 § 9721. Sentencing generally.

10 (a) General rule.--In determining the sentence to be imposed
11 the court shall, except as provided in subsection (a.1),
12 consider and select one or more of the following alternatives,
13 and may impose them consecutively or concurrently:

14 * * *

15 (8) Restorative justice.

16 * * *

17 Section 2. Title 42 is amended by adding a section to read:
18 § 9726.1. Restorative justice.

19 (a) Restorative justice as exclusive sentence.--The court

1 may sentence a defendant to undergo restorative justice
2 exclusively if the court, after considering the nature and
3 circumstances of the crime committed by the defendant and the
4 history and character of the defendant, determines that
5 restorative justice alone is appropriate.

6 (b) Restorative justice as additional sentence.--The court
7 may sentence a defendant to undergo restorative justice in
8 addition to another sentence, involving total or partial
9 confinement or probation, if the court determines that
10 restorative justice is specially adapted to the deterrence of
11 the crime involved or the correction of the defendant.

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

15 "Circle." A versatile restorative practice that can be used:

16 (1) proactively to develop relationships and build
17 community; or

18 (2) reactively to respond to wrongdoing, conflicts and
19 problems.

20 "Conference." A structured meeting among individuals who
21 have caused harm, individuals who have been harmed and the
22 family and friends of these individuals, in which they deal with
23 the consequences of a crime or wrongdoing and decide how best to
24 repair the harm.

25 "Facilitator." An individual who is trained to facilitate a
26 restorative justice practice.

27 "Party." As follows:

28 (1) An individual who voluntarily consents to
29 participate in a restorative justice practice.

30 (2) The term includes a facilitator, an individual who

1 has caused harm, an individual who has been harmed, a
2 community stakeholder or any other participant in a
3 restorative justice practice.

4 "Restorative justice." A gathering, such as a conference or
5 circle, in which individuals who have caused harm, individuals
6 who have been harmed, community stakeholders and a facilitator
7 collectively gather to identify and repair the harm to the
8 extent possible, address trauma, reduce the likelihood of
9 further harm and strengthen community ties by focusing on the
10 needs and obligations of all parties involved through a
11 participatory process.

12 Section 3. This act shall take effect in 60 days.