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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2296 Session of  
2024

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INTRODUCED BY BRIGGS, WEBSTER, MADDEN, KINKEAD, HILL-EVANS,  
SANCHEZ, HOHENSTEIN, SCHLOSSBERG, DONAHUE, T. DAVIS, KHAN,  
HOWARD, SHUSTERMAN, KRAJEWSKI, McCLINTON, CERRATO, BOYD AND  
GIRAL, MAY 20, 2024

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REFERRED TO COMMITTEE ON JUDICIARY, MAY 20, 2024

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 61 (Prisons and  
2 Parole) of the Pennsylvania Consolidated Statutes, in  
3 authorized disposition of offenders, further providing for  
4 sentence for murder, murder of unborn child and murder of law  
5 enforcement officer and for sentence of persons under the age  
6 of 18 for murder, murder of an unborn child and murder of a  
7 law enforcement officer; and, in Pennsylvania Board of  
8 Probation and Parole, further providing for parole power.

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

11 Section 1. Sections 1102(b) and 1102.1(c) of Title 18 of the  
12 Pennsylvania Consolidated Statutes are amended to read:

13 § 1102. Sentence for murder, murder of unborn child and murder  
14 of law enforcement officer.

15 \* \* \*

16 (b) Second degree.--Except as provided under section 1102.1,  
17 a person who has been convicted of murder of the second degree,  
18 of second degree murder of an unborn child or of second degree  
19 murder of a law enforcement officer shall be sentenced to a term  
20 of [life] imprisonment of not more than 50 years.

1 \* \* \*

2 § 1102.1. Sentence of persons under the age of 18 for murder,  
3 murder of an unborn child and murder of a law  
4 enforcement officer.

5 \* \* \*

6 (c) Second degree murder.--A person who has been convicted  
7 after June 24, 2012, of a murder of the second degree, second  
8 degree murder of an unborn child or murder of a law enforcement  
9 officer of the second degree and who was under the age of 18 at  
10 the time of the commission of the offense shall be sentenced as  
11 follows:

12 (1) A person who at the time of the commission of the  
13 offense was 15 years of age or older shall be sentenced to a  
14 term of imprisonment [the minimum of which shall be at least  
15 30 years to life] of not more than 40 years.

16 (2) A person who at the time of the commission of the  
17 offense was under 15 years of age shall be sentenced to a  
18 term of imprisonment [the minimum of which shall be at least  
19 20 years to life] of not more than 30 years.

20 \* \* \*

21 Section 2. Section 6137(a)(1) and (3) of Title 61 are  
22 amended and the subsection is amended by adding a paragraph to  
23 read:

24 § 6137. Parole power.

25 (a) General criteria for parole.--

26 (1) The board may parole subject to consideration of  
27 guidelines established under 42 Pa.C.S. § 2154.5 (relating to  
28 adoption of guidelines for parole) or subject to section  
29 6137.1 (relating to short sentence parole) and such  
30 information developed by or furnished to the board under

1 section 6174 (relating to right of access to offenders), or  
2 both, and may release on parole any offender to whom the  
3 power to parole is granted to the board by this chapter,  
4 except an offender condemned to death or serving life  
5 imprisonment for a conviction under 18 Pa.C.S. § 2502(a)  
6 (relating to murder), whenever in its opinion:

7 (i) The best interests of the offender justify or  
8 require that the offender be paroled.

9 (ii) It does not appear that the interests of the  
10 Commonwealth will be injured by the offender's parole.

11 \* \* \*

12 (3) The power to parole granted under this section to  
13 the board may not be exercised in the board's discretion at  
14 any time before, but only after, the expiration of the  
15 minimum term of imprisonment fixed by the court in its  
16 sentence or by the Board of Pardons in a sentence which has  
17 been reduced by commutation[.], except as follows:

18 (i) Notwithstanding 42 Pa.C.S. § 9757 (relating to  
19 consecutive sentences of total confinement for multiple  
20 offenses), the board may grant parole 25 years after the  
21 date of incarceration for an offender sentenced to life  
22 imprisonment under 18 Pa.C.S. § 1102(b) (relating to  
23 sentence for murder, murder of unborn child and murder of  
24 law enforcement officer).

25 (ii) Notwithstanding 42 Pa.C.S. § 9757, the board  
26 may grant parole 20 years after the date of incarceration  
27 for an offender sentenced under 18 Pa.C.S. § 1102.1(c)(1)  
28 (relating to sentence of persons under the age of 18 for  
29 murder, murder of an unborn child and murder of a law  
30 enforcement officer).

1           (iii) Notwithstanding 42 Pa.C.S. § 9757, the board  
2 may grant parole 15 years after the date of incarceration  
3 for an offender sentenced under 18 Pa.C.S. § 1102.1(c)  
4 (2).

5           (iv) Before parole may be granted under subparagraph  
6 (i), (ii) or (iii), the board must give primary  
7 consideration to the protection of the public and to  
8 victim safety. In addition to the considerations required  
9 under 42 Pa.C.S. § 2154.5, when determining whether to  
10 grant parole under subparagraph (i), (ii) or (iii), the  
11 board shall consider the level of culpability of the  
12 person in the underlying murder, including, but not  
13 limited to, whether the person directly caused or  
14 intended to cause a death.

15           \* \* \*

16           (3.2) The power to parole a person under paragraph (3)  
17 (i), (ii) or (iii) may only be utilized if the victims of the  
18 underlying offense have been notified that parole is being  
19 considered and are given the opportunity to be heard by the  
20 board, unless there is good cause that notice or the  
21 opportunity to be heard could not be provided. Nothing in  
22 this paragraph shall be construed to reduce, alter or  
23 eliminate any rights of a victim under section 201 of the act  
24 of November 24, 1998 (P.L.882, No.111), known as the Crime  
25 Victims Act.

26           \* \* \*

27           Section 3. The addition of 61 Pa.C.S. § 6137(a)(3)(i), (ii),  
28 (iii) and (iv) and (3.2) shall apply to the incarceration of an  
29 offender sentenced before, on or after the effective date of  
30 this section.

1 Section 4. This act shall take effect in 60 days.