

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, APRIL 2, 2008

SESSION OF 2008

192D OF THE GENERAL ASSEMBLY

No. 24

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.t.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

PRAYER

RABBI SOLOMON ISAACSON, Guest Chaplain of the House of Representatives, offered the following prayer:

I have never had such an undemanding audience. I think we can pass a lot of bills with so few people in here, right? I am only joking, of course.

(Prayer in Hebrew.)

May He who blessed our forefathers, Abraham, Isaac, and Jacob, may He bless the Armed Forces of the United States of America – the Army, the Air Force, the Marines, and the Navy – who stand guard over our land and the cities of our God wherever they may be. May Hashem, the Almighty, cause the enemies who rise up against us to be struck down before them. May the Holy One, blessed is He, preserve and rescue our fighting men from every trouble and distress and from every plague and illness, and may He send blessing and success in their every endeavor. May He lead our enemies under their sway, and may He adorn them with the crown of salvation and with the diadem of triumph, and may there be fulfilled for them the verse, for it is Hashem, your God, who goes with you to battle your enemies for you to save you.

(Prayer in Hebrew.)

May He who grants salvation to kings and dominion to rulers, whose kingdom is a kingdom spanning all eternities; who releases David, His servant, from the evil sword; who places a road in the sea and a path in the mighty waters, may He bless, safeguard, preserve, help, exalt, make great, extol, and raise high our beloved President and Vice President and all the officials of this land, our beloved Governor, Speaker of the House, and all the members of the House of Representatives and all those who serve them.

May the King who reigns over kings, in His mercy, may He sustain them and protect them from every trouble, woe, and injury. May He rescue them. May He gather His people under their sway and cause their enemies to fall before them. Wherever they turn, may they succeed.

The King who reigns over kings, in His mercy, may He put into their heart and into the heart of all their counselors and officials compassion to do good with us and with all the people of our great Commonwealth and our country.

In these days so may it be His will, and let us say amen.

I want to take the opportunity to wish all of you a happy post Easter and a happy future Passover. Today all of you will be receiving wine and matzo. Maybe that is why most of the people are not here. They are in their office waiting for it. But anyway, I hope you will enjoy it. Again, a happy Passover, and may God bless all of you with all the success and health.

Thank you.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, April 1, 2008, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to requests for leaves of absence and recognizes the majority whip, who requests that Representative LENTZ of Delaware County and Representative THOMAS of Philadelphia County be placed on leave for the day. The Chair sees no objection. These leaves will be granted.

The Chair recognizes the minority whip, who indicates there are no requests for leaves. The Chair thanks the gentleman.

Members will report to the floor.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. Members will proceed to vote.

The following roll call was recorded:

PRESENT—201

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Rubley
Barrar	Geist	McCall	Sabatina

Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhatten	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Siptroth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, M.
Brooks	Harhai	Mundy	Smith, S.
Buxton	Harhart	Murt	Solobay
Caltagirone	Harkins	Mustio	Sonney
Cappelli	Harper	Myers	Staback
Carroll	Harris	Nailor	Stairs
Casorio	Helm	Nickol	Steil
Causer	Hennessey	O'Brien, M.	Stern
Civera	Hershey	O'Neill	Stevenson
Clymer	Hess	Oliver	Sturla
Cohen	Hickernell	Pallone	Surra
Conklin	Hornaman	Parker	Swanger
Costa	Hutchinson	Pashinski	Tangretti
Cox	James	Payne	Taylor, J.
Creighton	Josephs	Payton	Taylor, R.
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Levdansky	Ramaley	Williams
Ellis	Longietti	Rapp	Wojnaroski
Evans, D.	Mackereth	Raymond	Yewcic
Evans, J.	Maher	Readshaw	Youngblood
Everett	Mahoney	Reed	Yudichak
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roea	O'Brien, D.,
Fleck	Mann	Rock	Speaker
Frankel	Mantz	Roebuck	

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Lentz Thomas

LEAVES ADDED—3

Kirkland Reichley Yudichak

LEAVES CANCELED—2

Reichley Thomas

The SPEAKER. A quorum being present, the House will proceed to conduct business.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome, as the guests of Representative Buxton, in the rear of the House we would like to welcome members of the Greek community from

the Greater Harrisburg Area celebrating Greek Independence Day, which was March 25, 2008. Would you please stand and be recognized.

VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman, Representative Micozzie, rise?

Mr. MICOZZIE. Mr. Speaker, my switch jammed on me yesterday, and I would like to change my vote to affirmative on amendment 06178 to HB 1845.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 685 By Representatives RAPP, SURRA, CAUSER, BASTIAN, BROOKS, CALTAGIRONE, CAPPELLI, CLYMER, CREIGHTON, DALEY, ELLIS, FLECK, GEORGE, HARHART, HENNESSEY, HERSHEY, HUTCHINSON, KAUFFMAN, KOTIK, KULA, METCALFE, R. MILLER, NAILOR, PERRY, PICKETT, PYLE, READSHAW, REED, REICHLEY, ROHRER, SAYLOR, S. H. SMITH, SONNEY, R. STEVENSON and VULAKOVICH

A Resolution affirming that the consent of the Commonwealth of Pennsylvania to the acquisition of Allegheny National Forest Lands by the United States is conditioned on the preservation of State and privately owned property interests.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 2, 2008.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2409 By Representatives JOSEPHS, GEORGE, HARPER, KULA, LEACH, LONGIETTI, MANDERINO, MCGEEHAN, PALLONE, ROEBUCK, SIPTROTH, THOMAS and YOUNGBLOOD

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for authorization of vehicle rental tax by counties of the first class.

Referred to Committee on URBAN AFFAIRS, April 2, 2008.

No. 2411 By Representatives JOSEPHS, GEORGE, HARPER, KULA, LEACH, LONGIETTI, MANDERINO, MCGEEHAN, PALLONE, ROEBUCK, SIPTROTH, THOMAS and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, defining nonprofit carsharing organization; and providing an exclusion.

Referred to Committee on URBAN AFFAIRS, April 2, 2008.

No. 2412 By Representatives REICHLEY, BAKER, BEAR, BRENNAN, CAPPELLI, CARROLL, CLYMER, CREIGHTON, EVERETT, FRANKEL, FREEMAN, GABIG, GEORGE, GIBBONS, GODSHALL, GOODMAN, HARHART, HERSHEY, HESS, HORNAMAN, HUTCHINSON, KAUFFMAN, W. KELLER, KILLION, KORTZ, KOTIK, KULA, MANN, MARKOSEK, McGEEHAN, MELIO, R. MILLER, MOYER, MURT, O'NEILL, PAYNE, PETRONE, PHILLIPS, PYLE, RAPP, READSHAW, REED, ROAE, RUBLEY, SCAVELLO, SIPTROTH, SOLOBAY, SONNEY, VULAKOVICH, WATSON, WHEATLEY, J. WHITE, WOJNAROSKI, YOUNGBLOOD, HENNESSEY and SWANGER

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for exemptions and special provisions relating to taxation.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 2, 2008.

No. 2413 By Representatives REICHLEY, BAKER, BEAR, BRENNAN, CAPPELLI, CARROLL, CLYMER, CREIGHTON, EVERETT, FRANKEL, FREEMAN, GABIG, GEORGE, GIBBONS, GODSHALL, GOODMAN, HARHART, HERSHEY, HESS, HORNAMAN, HUTCHINSON, KAUFFMAN, W. KELLER, KILLION, KORTZ, KOTIK, KULA, LONGIETTI, MANN, MARKOSEK, McGEEHAN, MELIO, R. MILLER, MOYER, MURT, O'NEILL, PAYNE, PETRONE, PHILLIPS, PYLE, RAPP, READSHAW, REED, ROAE, RUBLEY, SCAVELLO, SIPTROTH, SOLOBAY, SONNEY, VULAKOVICH, WATSON, WHEATLEY, J. WHITE, WOJNAROSKI, YOUNGBLOOD and SWANGER

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for disabled veterans property tax rebate; establishing the Disabled Veterans' Rebate Account; imposing penalties; and providing for appeals.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 2, 2008.

No. 2414 By Representatives BARRAR, BEAR, BENNINGHOFF, BOYD, CALTAGIRONE, CLYMER, DALLY, DENLINGER, EVERETT, GINGRICH, R. MILLER, MOYER, M. O'BRIEN, PYLE, REICHLEY, ROAE, RUBLEY, SAYLOR, SCHRODER, THOMAS, TRUE and WATSON

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for political influence.

Referred to Committee on GAMING OVERSIGHT, April 2, 2008.

No. 2415 By Representative FRANKEL

An Act making an appropriation to The Children's Hospital of Pittsburgh for comprehensive patient care and general maintenance and operation of the hospital.

Referred to Committee on APPROPRIATIONS, April 2, 2008.

No. 2416 By Representatives KORTZ, PARKER, CALTAGIRONE, CAPPELLI, CASORIO, CRUZ, DALEY, FRANKEL, GEIST, GIBBONS, GILLESPIE, GOODMAN, HALUSKA, HARHAI, HARKINS, HENNESSEY, KULA, LENTZ, LEVDANSKY, MENSCH, MILNE, MYERS, O'NEILL, PETRONE, RAYMOND, READSHAW, SAINATO, SCHRODER, SIPTROTH, SWANGER, THOMAS, J. WHITE and YOUNGBLOOD

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for seizure and detention of dogs, costs and destruction of dogs.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, April 2, 2008.

No. 2417 By Representatives KORTZ, SCAVELLO, BELFANTI, BRENNAN, CASORIO, DONATUCCI, FRANKEL, GOODMAN, HARHAI, HENNESSEY, JOSEPHS, McGEEHAN, MURT, O'NEILL, PALLONE, PETRONE, SCHRODER, SHIMKUS, SWANGER, J. WHITE and YOUNGBLOOD

An Act amending the act of December 22, 1983 (P.L.303, No.83), referred to as the Animal Destruction Method Authorization Law, further providing for prohibited means of destruction of animals, for methods of destruction of animals and for exclusions; and repealing provisions relating to use of carbon monoxide systems.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, April 2, 2008.

No. 2418 By Representatives MARKOSEK and GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for application for certificate of title; and providing for licensing cost for document preparation.

Referred to Committee on TRANSPORTATION, April 2, 2008.

No. 2419 By Representatives MARKOSEK and GEIST

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, providing for erection of traffic-control devices while working; and making editorial changes.

Referred to Committee on TRANSPORTATION, April 2, 2008.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the floor of the House, as the guests of Representative Carl Mantz, Kutztown Council President Malcolm Eidle; Councilman Mark Gangewere; Kutztown Mayor Sandy Green; and Kutztown Borough Manager Jaymes Vettraino. They are seated in the balcony. Would you please stand to be recognized.

STATEMENT BY SPEAKER

The SPEAKER. Ladies and gentlemen, here this morning we have nine vibrant, promising young adults diagnosed with autism spectrum disorder from our central Pennsylvania community. They are here to celebrate with us April as

Autism Awareness Month in Pennsylvania and across the nation.

Today these students will serve as guest pages, where they will observe the proceedings on the House floor, make deliveries to our offices, and take a tour of the Capitol. I am proud to support and encourage our guest pages as they participate in governmental affairs. With individuals like these, I only see a bright future.

GUESTS INTRODUCED

The SPEAKER. On behalf of my colleagues in the House, I would like to first introduce to the left of the Speaker – and I ask you to hold your applause until we complete the introductions – Brittany Feichtel, who lives in the district of Representative Glen Grell. We have Justin Gariepy, who is also a constituent of Representative Jerry Nailor. We have Kyle Jewett, who is represented in the House by Sue Helm. Daniel Lutz is the constituent of Representative John Payne. Zachary Pauley is represented in the House by David Hickernell. Alan Sabastian resides in the district of Ron Marsico. Michael Woodings is the constituent, again, of Representative Jerry Nailor. And finally, Riley Zimmerman is represented in the House by Scott Perry, and he is here along with his brother, Tyler Zimmerman.

We are happy to have our guest pages here today, and on behalf of my colleagues in the House, I thank you all for coming. I hope you enjoy your visit. I wish you success and prosperity in your future endeavors. Thank you and good luck.

I ask the House to please join me in welcoming our special guests to the floor of the House.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative REICHLEY be placed on leave. The Chair sees no objection. The leave will be granted.

GUEST INTRODUCED

The SPEAKER. We have a very special guest also with us today, Maj. Theodoros Zikos. He is with the Hellenic Army general staff. I believe he is in the rear of the House. Would you please stand to be recognized. Welcome to the floor of the House.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. M. SMITH called up **HR 668, PN 3483**, entitled:

A Resolution recognizing April 12, 2008, as "Martha Dixon Day" in Pennsylvania, to honor the life of FBI Special Agent Martha Dixon.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Rubley
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shinkus
Boback	Grucela	Milne	Siptroth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, M.
Brooks	Harhai	Mundy	Smith, S.
Buxton	Harhart	Murt	Solobay
Caltagirone	Harkins	Mustio	Sonney
Cappelli	Harper	Myers	Staback
Carroll	Harris	Nailor	Stairs
Casorio	Helm	Nickol	Steil
Causer	Hennessey	O'Brien, M.	Stern
Civera	Hershey	O'Neill	Stevenson
Clymer	Hess	Oliver	Sturla
Cohen	Hickernell	Pallone	Surra
Conklin	Hornaman	Parker	Swanger
Costa	Hutchinson	Pashinski	Tangretti
Cox	James	Payne	Taylor, J.
Creighton	Josephs	Payton	Taylor, R.
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Levdansky	Ramaley	Williams
Ellis	Longietti	Rapp	Wojnaroski
Evans, D.	Mackereth	Raymond	Yewcic
Evans, J.	Maher	Readshaw	Youngblood
Everett	Mahoney	Reed	Yudichak
Fabrizio	Major	Roae	
Fairchild	Manderino	Rock	O'Brien, D.,
Fleck	Mann	Roebuck	Speaker
Frankel	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

Lentz Reichley Thomas

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

* * *

Mr. MARKOSEK called up **HR 680, PN 3506**, entitled:

A Resolution recognizing April 2, 2008, as "World Autism Awareness Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Markosek on the resolution.

Mr. MARKOSEK. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman suspend.

Members will please take their seats. Members will please take their seats. Members will take their seats.

Representative Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise today and I have introduced HR 680 to recognize World Autism Day today, April 2, 2008.

I know a lot of us in this chamber, if not all of us in this chamber, have a sensitivity to the folks in Pennsylvania, nationwide, and worldwide for that matter, that have family members or citizens who have the disability of autism, who have been diagnosed with autism. I personally got involved with this when I first became a legislator back in 1982. I had a constituent by the name of Eddie Torisky. His dad and mom, Dan and Connie Torisky, brought attention to this to me about the problems that their son faced, and in looking at that, it was clear to me at the time that we in Pennsylvania did not do enough to help families who had family members that were diagnosed with autism. For example, back in those days there was no specific standard for autism in our educational system, and many parents had come to us at the time and had indicated that they actually had to not tell the truth about the diagnosis that their son and daughter had in order to get them into an appropriate program or even into any program, whether it was appropriate or not, and there were not customized programs at that time for autistic citizens in the Commonwealth of Pennsylvania.

I had introduced a resolution way back when to establish a special committee of the House, an ad hoc committee, to study the needs of the autistic citizens in Pennsylvania. I was fortunate enough to be the chairman of that committee. That committee, we took the committee around the State and we found out many of the needs of the autistic, and we had legislation to create an educational standard customized to the autistic. We were actually not able to get that bill passed, but the Department of Education, and I think in large part because we had introduced that bill, the Department of Education did, in fact, include standards for the autistic in Pennsylvania. And that was some 15 or 18 years ago, and today we fast-forward until today and we see many more services, perhaps not enough, never enough, but many more services for the autistic in Pennsylvania.

And I want to say and thank the Speaker, who I know has been a very great champion of the autistic here in recent years, and his championship and the championship of all of us here in the State House of Representatives on behalf of the autistic in Pennsylvania remain strong. But I would caution the members that in spite of all of the major aspects that we have passed, the programs that we have passed, we have a lot more to do. We still need programs. We need autistic centers. We need respite for the parents and the families of the autistic. We need customized programs, we need work-related programs, and we need transportation programs for all of our developmentally disabled citizens.

So with that, Mr. Speaker, I would ask the members to please support this to recognize today, April 2, 2008, as World Autism Day.

Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Rubley
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Siptroth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, M.
Brooks	Harhai	Mundy	Smith, S.
Buxton	Harhart	Murt	Solobay
Caltagirone	Harkins	Mustio	Sonney
Cappelli	Harper	Myers	Staback
Carroll	Harris	Nailor	Stairs
Casorio	Helm	Nickol	Steil
Causar	Hennessey	O'Brien, M.	Stern
Civera	Hershey	O'Neill	Stevenson
Clymer	Hess	Oliver	Sturla
Cohen	Hickernell	Pallone	Surra
Conklin	Hornaman	Parker	Swanger
Costa	Hutchinson	Pashinski	Tangretti
Cox	James	Payne	Taylor, J.
Creighton	Josephs	Payton	Taylor, R.
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Levdansky	Ramaley	Williams
Ellis	Longiatti	Rapp	Wojnaroski
Evans, D.	Mackereth	Raymond	Yewcic
Evans, J.	Maher	Readshaw	Youngblood
Everett	Mahoney	Reed	Yudichak
Fabrizio	Major	Roae	
Fairchild	Manderino	Rock	O'Brien, D., Speaker
Fleck	Mann	Roebuck	
Frankel	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

Lentz Reichley Thomas

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. WHEATLEY called up **HR 687, PN 3531**, entitled:

A Resolution commemorating the 100th anniversary of the African American Jazz Preservation Society of Pittsburgh Local No. 471 in honor of "Jazz Appreciation Month."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Rubley
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Bianucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Siptroth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, M.
Brooks	Harhai	Mundy	Smith, S.
Buxton	Harhart	Murt	Solobay
Caltagirone	Harkins	Mustio	Sonney
Cappelli	Harper	Myers	Staback
Carroll	Harris	Nailor	Stairs
Casorio	Helm	Nickol	Steil
Causer	Hennessey	O'Brien, M.	Stern
Civera	Hershey	O'Neill	Stevenson
Clymer	Hess	Oliver	Sturla
Cohen	Hickernell	Pallone	Surra
Conklin	Hornaman	Parker	Swanger
Costa	Hutchinson	Pashinski	Tangretti
Cox	James	Payne	Taylor, J.
Creighton	Josephs	Payton	Taylor, R.
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Levdansky	Ramaley	Williams

Ellis	Longietti	Rapp	Wojnaroski
Evans, D.	Mackereth	Raymond	Yewcic
Evans, J.	Maher	Readshaw	Youngblood
Everett	Mahoney	Reed	Yudichak
Fabrizio	Major	Roae	
Fairchild	Manderino	Rock	O'Brien, D., Speaker
Fleck	Mann	Roebuck	
Frankel	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

Lentz Reichley Thomas

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

APPROPRIATIONS COMMITTEE MEETING

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the majority caucus chairman for an announcement, Mr. Cohen.

The majority whip is recognized for an announcement.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate meeting of the House Appropriations Committee in the majority caucus room, and at 11:45 there will be a Democratic caucus, and I would expect to be back on the floor by 12:30.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Appropriations Committee will be meeting in the majority caucus room at the recess.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the caucus chairwoman, Miss Major, for an announcement.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus for 11:45. I would like all Republicans to please report to caucus at 11:45, and we would be prepared to come back to the floor at 12:30. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

Are there any other announcements, committee announcements?

RECESS

The SPEAKER pro tempore. The House will stand in recess until 12:30.

AFTER RECESS

The time of recess having expired, the House was called to order.

**THE SPEAKER PRO TEMPORE
(MICHAEL P. MCGEEHAN) PRESIDING**

BILLS REREPORTED FROM COMMITTEE

HB 4, PN 2394 By Rep. D. EVANS

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, providing for definitions of "board" and "department"; further providing for composition of the Pennsylvania Commission on Sentencing and for powers and duties; providing for adoption of guidelines for resentencing, adoption of guidelines for parole and adoption of commitment ranges following revocation of parole by the Pennsylvania Board of Probation and Parole; further providing for publication of guidelines, for sentencing generally, for sentence of total confinement, for sentencing proceeding and place of confinement, for information required upon commitment and subsequent disposition and for referral to State intermediate punishment program; and providing for recidivism risk reduction incentive.

APPROPRIATIONS.

HB 5, PN 2241 By Rep. D. EVANS

An Act amending the act of July 11, 1923 (P.L.1044, No.425), referred to as the Prisoner Transfer Law, further providing for transfer of inmates.

APPROPRIATIONS.

HB 6, PN 2931 By Rep. D. EVANS

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for intent, for business of the Pennsylvania Board of Probation and Parole, for powers and duties of the board, for duties of the chairman of the board, for supervision of parole and probation, for power to parole and for commission of crime during parole.

APPROPRIATIONS.

HB 7, PN 2906 By Rep. D. EVANS

Act amending the act of May 31, 1919 (P.L.356, No.170), entitled, as amended, "An act authorizing courts of record to remove convicts and persons confined in jails, workhouses, reformatories, reform or industrial schools, penitentiaries, prisons, houses of correction or any other penal institutions, who are seriously ill, to other institutions; and providing penalties for breach of prison," further providing for removal of certain convicts who are seriously ill.

APPROPRIATIONS.

The SPEAKER pro tempore. Those bills will be placed on the supplemental calendar.

BILL REREPORTED FROM COMMITTEE

HB 1786, PN 2383 By Rep. D. EVANS

An Act authorizing the Department of General Services, with the approval of the Governor, to dedicate, grant and convey to the Strasburg, Lancaster County, Borough Authority, a water main and appurtenances to be constructed by the Department of General Services, together with easements for public water purposes, situate in Strasburg Township, Lancaster County, and to grant such further easements and licenses as may be necessary to provide the Railroad Museum of Pennsylvania with access to public sewer service.

APPROPRIATIONS.

The SPEAKER pro tempore. That bill will be placed on the regular calendar.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 2345, PN 3390 By Rep. MUNDY

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for PACE and PACENET eligibility.

AGING AND OLDER ADULT SERVICES.

SENATE MESSAGE

**AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 1589, PN 3496**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER pro tempore. The House will be at ease.

The House will come to order.
Members will report to the floor.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence of the gentleman, Representative Reichley, on the floor and directs that the clerk add him to the master roll.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome Matthew Miller and his parents, Susan and Matthew Miller of Wexford. Matthew is a junior at North Allegheny High School. He is a star volleyball player at North Allegheny. He participated in the Keystone Games and is also involved in his community and church and has a 3.6 GPA. He was named the 2007 Athletic Award of Honor for Volleyball. He is the guest of Representative Turzai, and he is seated to the left of the Speaker. Matthew and your parents, congratulations. Welcome to the House.

The House will come to order.

It is the intention of the Chair to recess regular session and go into special session at 12:56.

RECESS

The SPEAKER pro tempore. Regular session of the House stands in recess.

AFTER RECESS

The time of recess having expired, the House was called to order.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 1304, PN 3534 (Amended) By Rep. THOMAS

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, establishing the Pennsylvania Geospatial Coordinating Advisory Council; providing for the powers and duties of the Pennsylvania Geospatial Coordinating Advisory Council and for the Pennsylvania Mapping and Geospatial Technologies Fund.

INTERGOVERNMENTAL AFFAIRS.

**RESOLUTIONS REPORTED
FROM COMMITTEE**

HR 324, PN 1888 By Rep. THOMAS

A Resolution memorializing the Congress of the United States to take appropriate action to establish a national baseline standard for the disclosure of security breaches.

INTERGOVERNMENTAL AFFAIRS.

HR 339, PN 2022 By Rep. THOMAS

A Resolution memorializing the United States Department of Defense to reverse its decision and preserve the Charles E. Kelly Support Facility Commissary in Oakdale and the Willow Grove Naval Exchange and to move forward with previously approved plans to build a new commissary at the Willow Grove Naval Air Station and approve construction of a new commissary in western Pennsylvania.

INTERGOVERNMENTAL AFFAIRS.

HR 418, PN 2536 By Rep. THOMAS

A Resolution memorializing Congress to take emergency action to protect homeowners and banks and enact a Homeowners and Banks Protection Act.

INTERGOVERNMENTAL AFFAIRS.

HR 478, PN 3535 (Amended) By Rep. THOMAS

A Resolution urging the President and Congress of the United States to take action to provide for restitution and recovery for victims of Hurricanes Katrina and Rita.

INTERGOVERNMENTAL AFFAIRS.

HR 517, PN 3536 (Amended) By Rep. THOMAS

A Resolution urging the Congress of the United States to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to include obtaining a high school diploma or general equivalency diploma as an option for meeting work and education requirements for all recipients of benefits under the Temporary Assistance for Needy Families Program.

INTERGOVERNMENTAL AFFAIRS.

HR 534, PN 2986

By Rep. THOMAS

A Resolution urging the Congress of the United States to fund the creation and maintenance of a database of the mental health needs of college and university students.

INTERGOVERNMENTAL AFFAIRS.

HR 536, PN 2987

By Rep. THOMAS

A Resolution urging the President of the United States and Congress to provide the necessary funding for the Community Oriented Policing Services Program.

INTERGOVERNMENTAL AFFAIRS.

HR 631, PN 3395

By Rep. THOMAS

A Resolution memorializing the Congress of the United States to provide adequate funding to the nation's volunteer fire departments in the 2009 Federal Budget.

INTERGOVERNMENTAL AFFAIRS.

The SPEAKER pro tempore. Those resolutions will be placed on the calendar.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 567, PN 3139

By Rep. THOMAS

A Resolution directing the Legislative Budget and Finance Committee to study intermodal transit in southeastern Pennsylvania.

INTERGOVERNMENTAL AFFAIRS.

RESOLUTION REREFERRED

The SPEAKER pro tempore. The Chair moves, at the request of the majority leader, that HR 567, PN 3139, be rereferred to the Committee on Transportation.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**RESOLUTIONS REPORTED
FROM COMMITTEE**

HR 581, PN 3182

By Rep. THOMAS

A Resolution urging the Democratic National Committee and the Republican National Committee to assist every state, with the exception of Iowa and New Hampshire, in coordinating and implementing a rotating regional presidential primary system.

INTERGOVERNMENTAL AFFAIRS.

HR 582, PN 3183

By Rep. THOMAS

A Resolution urging the Congress of the United States to take action on S. 1905 and H.R. 3487, along with companion legislation S. 2024 and H.R. 1523, to coordinate and implement a rotating regional presidential primary system.

INTERGOVERNMENTAL AFFAIRS.

HR 583, PN 3184

By Rep. THOMAS

A Resolution urging the Secretary of State to discuss, coordinate and implement a mutually agreeable, common date for presidential primaries to be held in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia and the District of Columbia.

INTERGOVERNMENTAL AFFAIRS.

RESOLUTIONS REREFERRED

The SPEAKER pro tempore. The Chair moves, at the request of the majority leader, that the following resolutions be rereferred to the Committee on State Government:

- HR 581, PN 3182;
- HR 582, PN 3183; and
- HR 583, PN 3184.

On the question,
Will the House agree to the motion?
Motion was agreed to.

LEAVE OF ABSENCE

The SPEAKER pro tempore. Turning to leaves of absence, the Chair recognizes the majority whip, who requests that the gentleman from Luzerne, Representative YUDICHAK, be placed on leave for the remainder of the day. Without objection, the leave is so granted.

SUPPLEMENTAL CALENDAR B

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 4, PN 2394**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, providing for definitions of "board" and "department"; further providing for composition of the Pennsylvania Commission on Sentencing and for powers and duties; providing for adoption of guidelines for resentencing, adoption of guidelines for parole and adoption of recommitment ranges following revocation of parole by the Pennsylvania Board of Probation and Parole; further providing for publication of guidelines, for sentencing generally, for sentence of total confinement, for sentencing proceeding and place of confinement, for information required upon commitment and subsequent disposition and for referral to State intermediate punishment program; and providing for recidivism risk reduction incentive.

On the question,
Will the House agree to the bill on second consideration?

Ms. **HARPER** offered the following amendment No. **A04875**:

Amend Sec. 10 (Sec. 5303), page 22, line 7, by removing the period after "Sentencing" and inserting
or the attorney for the Commonwealth has not demonstrated that the defendant has been found

guilty of or was convicted of an offense involving a deadly weapon or offense under 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles) or the equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.

On the question,
Will the House agree to the amendment?

The SPEAKER pro tempore. The House will be at ease.

On the amendment, the Chair recognizes the gentleman, Representative Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

I would like to get the attention of the members so I can explain the amendment, please.

The SPEAKER pro tempore. The House will come to order.

Mr. MARSICO. This amendment addresses the rehabilitation provisions known as RRRI (recidivism risk reduction incentive) and excludes from the RRRI eligibility any defendant with a conviction involving deadly weapons or any conviction under the Uniform Firearms Act. This restriction for RRRI eligibility applies to equivalent convictions from any United States State, Washington, DC, a United States territory or possession, or a foreign nation. At the time of sentencing, the district attorney must prove the prior conviction in order to trigger this exclusion.

I ask support of the members for this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the Speaker, Representative O'Brien.

Mr. D. O'BRIEN. This is an agreed-to amendment.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

Adolph	Freeman	Markosek	Roebuck
Argall	Gabig	Marshall	Rohrer
Baker	Galloway	Marsico	Ross
Barrar	Geist	McCall	Rubleby
Bastian	George	McGeehan	Sabatina
Bear	Gerber	McI. Smith	Sainato
Belfanti	Gergely	McIlhattan	Samuelson
Benninghoff	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalfe	Scavello
Bianucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro
Boback	Grucela	Milne	Shimkus
Boyd	Haluska	Moul	Sipthroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harper	Myers	Sonney
Carroll	Harris	Nailor	Staback
Casorio	Helm	Nickol	Stairs
Causer	Hennessey	O'Brien, M.	Steil
Civera	Hershey	O'Neill	Stern

Clymer	Hess	Oliver	Stevenson
Cohen	Hickernell	Pallone	Sturla
Conklin	Hornaman	Parker	Surra
Costa	Hutchinson	Pashinski	Swanger
Cox	James	Payne	Tangretti
Creighton	Josephs	Payton	Taylor, J.
Cruz	Kauffman	Peifer	Taylor, R.
Curry	Keller, M.	Perry	True
Cutler	Keller, W.	Perzel	Turzai
Daley	Kenney	Petrarca	Vereb
Dally	Kessler	Petri	Vitali
DeLuca	Killion	Petrone	Vulakovich
Denlinger	King	Phillips	Wagner
DePasquale	Kirkland	Pickett	Walko
Dermody	Kortz	Preston	Wansacz
DeWeese	Kotik	Pyle	Waters
DiGirolamo	Kula	Quigley	Watson
Donatucci	Leach	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roae	O'Brien, D.,
Fleck	Mann	Rock	Speaker
Frankel	Mantz		

NAYS-0

NOT VOTING-0

EXCUSED-3

Lentz	Thomas	Yudichak
-------	--------	----------

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the bill on second consideration as amended?

Mr. O'NEILL offered the following amendment No. A04876:

Amend Sec. 10 (Sec. 5303), page 22, by inserting between lines 28 and 29

(vii) Received a criminal sentence pursuant to 42 Pa.C.S. § 9712.1 (relating to sentences for certain drug offenses committed with firearms).

Amend Sec. 10 (Sec. 5303), page 22, line 29, by striking out "(vii)" and inserting

(viii)

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Representative O'Neill.

Mr. O'NEILL. Thank you, Mr. Speaker.

This amendment excludes the RRRRI eligibility of any defendant who was sentenced for possessing a firearm while selling or distributing illegal drugs under Title 42, section 9712-1. Thank you.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the Speaker.

Mr. D. O'BRIEN. This is an agreed-to amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-200

Adolph	Freeman	Markosek	Roebuck
Argall	Gabig	Marshall	Rohrer
Baker	Galloway	Marsico	Ross
Barrar	Geist	McCall	Rubley
Bastian	George	McGeehan	Sabatina
Bear	Gerber	McI. Smith	Sainato
Belfanti	Gergely	McIlhattan	Samuelson
Benninghoff	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalfe	Scavello
Biancucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro
Boback	Grucela	Milne	Shimkus
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harper	Myers	Sonney
Carroll	Harris	Nailor	Staback
Casorio	Helm	Nickol	Stairs
Causer	Hennessey	O'Brien, M.	Steil
Civera	Hershey	O'Neill	Stern
Clymer	Hess	Oliver	Stevenson
Cohen	Hickernell	Pallone	Sturla
Conklin	Hornaman	Parker	Surra
Costa	Hutchinson	Pashinski	Swanger
Cox	James	Payne	Tangretti
Creighton	Josephs	Payton	Taylor, J.
Cruz	Kauffman	Peifer	Taylor, R.
Curry	Keller, M.	Perry	True
Cutler	Keller, W.	Perzel	Turzai
Daley	Kenney	Petrarca	Vereb
Dally	Kessler	Petri	Vitali
DeLuca	Killion	Petrone	Vulakovich
Denlinger	King	Phillips	Wagner
DePasquale	Kirkland	Pickett	Walko
Dermody	Kortz	Preston	Wansacz
DeWeese	Kotik	Pyle	Waters
DiGirolamo	Kula	Quigley	Watson
Donatucci	Leach	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roae	O'Brien, D.,
Fleck	Mann	Rock	Speaker
Frankel	Mantz		

NAYS-0

NOT VOTING-0

EXCUSED-3

Lentz	Thomas	Yudichak
-------	--------	----------

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,
Will the House agree to the bill on second consideration as amended?

Mr. D. O'BRIEN offered the following amendment No. A06266:

Amend Title, page 1, line 15, by removing the period after "incentive" and inserting

and for work release or other court order.

Amend Sec. 2 (Sec. 2152), page 2, line 10, by inserting after "Corrections"

, the victim advocate appointed under section 301 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act,

Amend Sec. 3, page 2, line 16, by inserting after "amended" and the subsection is amended by adding a paragraph

Amend Sec. 3 (Sec. 2153), page 2, line 25, by striking out "appropriate"

Amend Sec. 3 (Sec. 2153), page 3, line 7, by inserting after "imposed"

, including initial sentences and any subsequent modification of sentences or resentences following revocation or remand, and parole and reparole decisions by the board and any other paroling authority

Amend Sec. 3 (Sec. 2153), page 3, line 21, by inserting after "guidelines"

, recommitment ranges

Amend Sec. 3 (Sec. 2153), page 3, line 22, by inserting after "laws" to document eligibility for and releases pursuant to a county reentry plan, to document eligibility for and imposition of recidivism risk reduction incentive minimum sentences and to document all parole and reparole decisions by the board and any other paroling authority

Amend Sec. 3 (Sec. 2153), page 3, line 25, by striking out "or" where it appears the first time and inserting an underscored comma

Amend Sec. 3 (Sec. 2153), page 3, line 25, by inserting brackets before and after "or both." and inserting

, releases pursuant to a county reentry plan, recommitment ranges and recidivism risk reduction incentive minimum sentences, and collect information on all parole and reparole decisions by the board and any other paroling authority.

Amend Sec. 3 (Sec. 2153), page 3, line 26, by inserting after "and" electronic

Amend Sec. 3 (Sec. 2153), page 3, by inserting between lines 27 and 28

(15) Prior to adoption of changes to guidelines for sentencing, resentencing and parole, and recommitment ranges following revocation, use a correctional population simulation model to determine:

(i) Resources that are required under current guidelines and ranges.

(ii) Resources that would be required to carry out any proposed changes to the guidelines and ranges.

Amend Sec. 4 (Sec. 2154.3), page 3, line 30, by striking out "2154.3" and inserting

2154.4

Amend Sec. 4 (Sec. 2154.4), page 4, line 8, by striking out "2154.4" and inserting

2154.5

Amend Sec. 4 (Sec. 2154.5), page 5, line 8, by striking out "2154.5" and inserting

2154.6

Amend Sec. 4 (Sec. 2154.5), page 5, line 23, by inserting after "provide"

a

Amend Sec. 4 (Sec. 2154.5), page 5, lines 24 and 25, by striking out "reasons, consistent with board procedure," and inserting

statement of the reasons

Amend Sec. 4 (Sec. 2154.5), page 5, line 25, by inserting after "ranges"

to the commission as established under section 2153(a)(14) (relating to powers and duties)

Amend Sec. 5 (Sec. 2155), page 6, line 6, by inserting after "resentencing"

and parole

Amend Sec. 5 (Sec. 2155), page 6, line 12, by inserting after "punishment" where it appears the second time

, parole guidelines

Amend Sec. 5 (Sec. 2155), page 7, line 13, by inserting after "punishment" where it appears the second time

, parole guidelines

Amend Sec. 5 (Sec. 2155), page 7, line 22, by inserting after "guidelines"

and recommitment ranges

Amend Sec. 5 (Sec. 9721), page 8, line 2, by striking out ", resentencing and recommitment" and inserting

and resentencing

Amend Sec. 5 (Sec. 9721), page 8, line 5, by inserting after "resentencing"

and parole

Amend Sec. 5 (Sec. 9721), page 8, line 7, by inserting after "misdemeanor,"

modifies a sentence, resentences an offender following revocation of probation, county intermediate punishment or State intermediate punishment or resentences following remand,

Amend Sec. 5 (Sec. 9721), page 8, line 11, by striking out ", sentence or recommitment" and inserting

or sentence

Amend Sec. 5 (Sec. 9721), page 8, line 11, by inserting brackets before and after "sentencing"

Amend Sec. 5 (Sec. 9721), page 8, line 15, by striking out "2154.3" and inserting

2154.2 (relating to adoption of guidelines for State intermediate punishment), 2154.3 (relating to adoption of guidelines for fines), 2154.4

Amend Sec. 5 (Sec. 9721), page 8, line 16, by striking out "2154.4" and inserting

2154.5

Amend Sec. 5 (Sec. 9721), page 8, line 20, by inserting after "guidelines"

to the commission, as established under section 2153(a)(14) (relating to powers and duties)

Amend Sec. 5 (Sec. 9721), page 8, line 21, by inserting after "sentence"

or sentence

Amend Sec. 7 (Sec. 9762), page 10, lines 6 and 7, by striking out "Beginning three years after the effective date of this subsection, all" and inserting

All

Amend Sec. 7 (Sec. 9762), page 10, line 7, by inserting after "sentenced"

three or more years after the effective date of this subsection

Amend Sec. 7 (Sec. 9762), page 10, line 8, by striking out "for the following terms"

Amend Sec. 7 (Sec. 9762), page 11, line 8, by striking out "restrictive"

Amend Sec. 7 (Sec. 9762), page 11, line 10, by inserting after "county"

intermediate

Amend Sec. 7 (Sec. 9762), page 11, lines 15 through 23, by striking out "persons" in line 15, all of lines 16 through 23 and inserting

every Level 4 or 5 offender as identified in the Basic Sentencing Matrix promulgated by the Pennsylvania Commission on Sentencing who is participating in an approved work release program. The reimbursement per prisoner shall not exceed the average per-prisoner cost of confinement paid by the Commonwealth for the confinement of prisoners in the Department of Corrections. No more than \$2,500,000 shall be expended annually for this purpose. Reimbursement shall be made on a pro rata basis if the total dollar amount of eligible confinement costs exceeds \$2,500,000. Nothing in this paragraph shall prevent more than \$2,500,000 being appropriated for this purpose. Reimbursement shall be made on a pro rata basis if the total dollar amount of eligible confinement costs exceeds any additional appropriation. A county shall not be reimbursed under this section for any offender participating in an approved work release program for whom the county is being or has been reimbursed from any other State funds regardless of their source.

Amend Sec. 8 (Sec. 9764), page 12, line 30, by inserting a bracket before "the"

Amend Sec. 8, page 13, line 1, by inserting a bracket after "order" and inserting immediately thereafter

a copy of the court commitment form DC-300B generated from the Common Pleas Criminal Court Case Management System of the Unified Judicial System

Amend Sec. 8 (Sec. 9764), page 14, lines 4 and 5, by striking out all of said lines and inserting

(8) A copy of the sentencing order and any detainers filed against the inmate which the county has notice and the court commitment form DC-300B generated from the Common Pleas Criminal Court Case Management System of the Unified Judicial System.

Amend Sec. 8 (Sec. 9764), page 16, by inserting between lines 10 and 11

(3) The Department of Corrections, board and a county correctional facility shall not be liable for compensatory, punitive or other damages for relying in good faith on any sentencing order or court commitment form DC-300B generated from the Common Pleas Criminal Court Case Management System of the Unified Judicial System or otherwise transmitted to them.

Amend Sec. 8 (Sec. 9764), page 16, lines 11 through 19, by striking out "The county or" in line 11, all of lines 12 through 18 and "transfers," in line 19

Amend Sec. 8 (Sec. 9764), page 16, lines 22 through 24, by striking out "This subsection" in line 22 and all of lines 23 and 24

Amend Bill, page 19, by inserting between lines 19 and 20

Section 8.1. Title 42 is amended by adding a section to read:

§ 9813. Work release or other court order and purposes.

(a) Generally.—Notwithstanding any provision of law, if any offender has been sentenced to undergo imprisonment in a county jail

for a term of less than five years, the court, at the time of sentence or at any time thereafter upon application made in accordance with this section, may enter an order making the offender eligible to leave the jail during necessary and reasonable hours for the purpose of working at his employment, conducting his own business or other self-employed occupation, including housekeeping and attending to the needs of family, seeking employment, attending an educational institution, securing medical treatment or for other lawful purposes as the court shall consider necessary and appropriate.

(b) Procedure.—At the time of imposition of a county jail sentence, a crime victim receiving notice of the sentence imposed shall be informed that the offender may be eligible for an order under this section. An application for an order under this section shall be served on the attorney for the Commonwealth. Prior to granting any order under this section, the court shall ensure that the attorney for the Commonwealth and a registered crime victim have received notice of the application and had a reasonable opportunity to be heard on the application.

(c) Revocation or modification of previously entered order.—The county jail officials may detain and recommit the offender or preclude the offender from leaving the county jail if the offender violates the conditions set by the jail officials or the court, or if allowing the offender to leave the county jail poses a risk to community safety or the orderly and safe management of the jail. The jail officials shall notify the court of such action. In addition, the order of court may be revoked or modified at any time with notice to the prisoner.

Amend Sec. 9 (Sec. 9904), page 20, line 11, by removing the period after "sentence" and inserting

including victim notification under the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.

Amend Sec. 10 (Sec. 5303), page 22, line 12, by removing the period after "Act" and inserting

, or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.

Amend Sec. 10 (Sec. 5304), page 24, line 16, by striking out "and" and inserting a comma

Amend Sec. 10 (Sec. 5304), page 24, line 17, by inserting after "Representatives"

, the board, the commission and the Victim Advocate

Amend Sec. 10 (Sec. 5305), page 24, line 30, by removing the period after "chapter" and inserting

if the victim has been given notice of the prosecuting attorney's intent to waive the eligibility requirements and an opportunity to be heard on the issue. The court, after considering victim input, may refuse to accept the prosecuting attorney's waiver of the eligibility requirements.

Amend Sec. 10 (Sec. 5306), page 25, line 27, by striking out "parole" and inserting

issue a decision to parole, without further review by the board.

Amend Sec. 10 (Sec. 5306), page 27, lines 2 through 5, by striking out all of lines 2 through 4 and "behavior" in line 5 and inserting under section 5305(b) (relating to sentencing), the department certifies that it has not received additional information demonstrating a history of past or present violent behavior which was not available at the time of sentencing

Amend Bill, page 32, by inserting between lines 9 and 10

Section 11. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of 42 Pa.C.S. § 9813.

(2) Section 1 of the act of August 13, 1963 (P.L.774, No.390), referred to as the County Jail Prisoner Temporary Release Law, is repealed.

Amend Sec. 11, page 32, line 10, by striking out "11" and inserting 12

On the question,
Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the Chair recognizes the Speaker.

Mr. D. O'BRIEN. This amendment addresses concerns raised by victims groups, the Attorney General, AOPC (Administrative Office of Pennsylvania Courts), the Department of Corrections, the county commissioners, the county wardens, and the Sentencing Commission as technical fixes.

Among other things, this amendment includes adding the Victim Advocate as a member of the Sentencing Commission and affords notice and input to victims regarding RRR eligibility. It clarifies State reimbursement for work release prisoners housed in the county and ensures that the proper documents and sentencing information are forwarded to the State prison upon commitment.

I ask for your support.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

Adolph	Freeman	Markosek	Roebuck
Argall	Gabig	Marshall	Rohrer
Baker	Galloway	Marsico	Ross
Barrar	Geist	McCall	Rubley
Bastian	George	McGeehan	Sabatina
Bear	Gerber	McI. Smith	Sainato
Belfanti	Gergely	McIlhattan	Samuelson
Benninghoff	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalfe	Scavello
Biancucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro
Boback	Grucela	Milne	Shimkus
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harper	Myers	Sonney
Carroll	Harris	Nailor	Staback
Casorio	Helm	Nickol	Stairs
Causar	Hennessey	O'Brien, M.	Steil
Civera	Hershey	O'Neill	Stern
Clymer	Hess	Oliver	Stevenson
Cohen	Hickernell	Pallone	Sturla
Conklin	Hornaman	Parker	Surra
Costa	Hutchinson	Pashinski	Swanger
Cox	James	Payne	Tangretti
Creighton	Josephs	Payton	Taylor, J.
Cruz	Kauffman	Peifer	Taylor, R.
Curry	Keller, M.	Perry	True
Cutler	Keller, W.	Perzel	Turzai
Daley	Kenney	Petrarca	Vereb
Dally	Kessler	Petri	Vitali
DeLuca	Killion	Petrone	Vulakovich
Denlinger	King	Phillips	Wagner
DePasquale	Kirkland	Pickett	Walko

Dermody	Kortz	Preston	Wansacz
DeWeese	Kotik	Pyle	Waters
DiGirolamo	Kula	Quigley	Watson
Donatucci	Leach	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longiatti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roae	O'Brien, D.,
Fleck	Mann	Rock	Speaker
Frankel	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

Lentz Thomas Yudichak

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,
Will the House agree to the bill on second consideration as amended?

Mr. DALLY offered the following amendment No. **A06344**:

Amend Title, page 1, line 5, by striking out "and" where it appears the first time and inserting a comma

Amend Title, page 1, line 5, by inserting after "duties" and for adoption of guidelines for sentencing

Amend Bill, page 3, by inserting between lines 28 and 29 Section 3.1. Section 2154(a) of Title 42 is amended by adding a paragraph to read:

§ 2154. Adoption of guidelines for sentencing.
(a) General rule.—The commission shall adopt guidelines for sentencing within the limits established by law which shall be considered by the sentencing court in determining the appropriate sentence for defendants who plead guilty or nolo contendere to, or who were found guilty of, felonies and misdemeanors. The guidelines shall:

* * *
(5) Consider the impact of any amendments to section 9756 (relating to sentence of total confinement).

* * *
Amend Sec. 6, page 8, lines 24 and 25, by striking out all of said lines and inserting

Section 6. Section 9756(b) of Title 42 is amended and the section is amended by adding subsections to read:

Amend Sec. 6 (Sec. 9756), page 8, by inserting between lines 27 and 28

(b) Minimum sentence.—
(1) The court shall impose a minimum sentence of confinement which shall not exceed one-half of the maximum sentence imposed.

(2) The minimum sentence imposed under this section may not be reduced through parole prior to the expiration of the minimum sentence unless otherwise authorized by this section or other law.

(3) Except where the maximum sentence imposed is two years or more, and except where a mandatory minimum sentence of imprisonment or total confinement is required by law, the court shall, at the time of sentencing, state whether or not the defendant is eligible to participate in a reentry plan at any time

prior to the expiration of the minimum sentence or at the expiration of a specified portion of the minimum sentence. For maximum sentences of less than two years as defined under section 9762(f) (relating to sentencing proceeding; place of confinement), a court may parole a defendant prior to the expiration of the minimum sentence only if the defendant was made eligible to participate in a reentry plan at the time of sentencing. The court shall provide at least ten days' written notice and an opportunity to be heard, pursuant to the act of June 19, 1911 (P.L.1059, No.813), referred to as the County Jail and Workhouse Parole Law, to the prosecuting attorney before granting parole pursuant to this subsection. The reentry plan eligibility shall be considered a part of the sentence and subject to the requirements relating to the entry, recording and reporting of sentences.

Amend Sec. 6 (Sec. 9756), page 9, by inserting between lines 5 and 6

(e) Definitions.—As used in this section, the term "reentry plan" is a release plan that may include drug and alcohol treatment, behavioral health treatment, job training, skills training, education, life skills or any other conditions deemed relevant by the court.

On the question,
Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman, Representative Dally.

Mr. DALLY. Thank you, Mr. Speaker.

I would like to request the support of the members for amendment 6344.

Mr. Speaker, what this amendment would do would be to establish truth in sentencing for county prisoners by mandating that the court state at the time of the sentencing whether the prisoner is eligible for early parole under a county reentry plan.

This amendment requires notice and an opportunity to be heard to the prosecuting attorneys before the court may parole an inmate prior to the minimum sentence being served.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question, the Chair recognizes the Speaker.

Mr. D. O'BRIEN. This is an agreed-to amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

Adolph	Freeman	Markosek	Roebuck
Argall	Gabig	Marshall	Rohrer
Baker	Galloway	Marsico	Ross
Barrar	Geist	McCall	Rubley
Bastian	George	McGeehan	Sabatina
Bear	Gerber	McI. Smith	Sainato
Belfanti	Gergely	McIlhattan	Samuelson
Benninghoff	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalfe	Scavello
Biancucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro
Boback	Grucela	Milne	Shimkus
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.

Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harper	Myers	Sonney
Carroll	Harris	Nailor	Staback
Casorio	Helm	Nickol	Stairs
Causer	Hennessey	O'Brien, M.	Steil
Civera	Hershey	O'Neill	Stern
Clymer	Hess	Oliver	Stevenson
Cohen	Hickernell	Pallone	Sturla
Conklin	Hornaman	Parker	Surra
Costa	Hutchinson	Pashinski	Swanger
Cox	James	Payne	Tangretti
Creighton	Josephs	Payton	Taylor, J.
Cruz	Kauffman	Peifer	Taylor, R.
Curry	Keller, M.	Perry	True
Cutler	Keller, W.	Perzel	Turzai
Daley	Kenney	Petrarca	Vereb
Dally	Kessler	Petri	Vitali
DeLuca	Killion	Petrone	Vulakovich
Denlinger	King	Phillips	Wagner
DePasquale	Kirkland	Pickett	Walko
Dermody	Kortz	Preston	Wansacz
DeWeese	Kotik	Pyle	Waters
DiGirolamo	Kula	Quigley	Watson
Donatucci	Leach	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roae	O'Brien, D., Speaker
Fleck	Mann	Rock	
Frankel	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

Lentz	Thomas	Yudichak
-------	--------	----------

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,
Will the House agree to the bill on second consideration as amended?

Mr. MARSICO offered the following amendment No. **A06482:**

Amend Sec. 10 (Sec. 5303), page 23, by inserting between lines 4 and 5

(6) Has not been found guilty or previously convicted of violating section 13(a)(14), (30) or (37) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, where the sentence was imposed pursuant to 18 Pa.C.S. § 7508(a)(1)(iii), (2)(iii), (3)(iii), (4)(iii), (7)(iii) or (8)(iii) (relating to drug trafficking sentencing and penalties).

On the question,
Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman, Representative Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

I ask support from members for amendment A06482, which would restrict eligibility for the RRR1 program. I think this is important for the members to know that this amendment excludes persons sentenced under the drug trafficking statute for trafficking a high volume of drugs from being eligible for early parole under the RRR1 program.

And I know that this amendment is agreed to. I thank the members for their support.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

Adolph	Freeman	Markosek	Roebuck
Argall	Gabig	Marshall	Rohrer
Baker	Galloway	Marsico	Ross
Barrar	Geist	McCall	Rubley
Bastian	George	McGeehan	Sabatina
Bear	Gerber	McI. Smith	Sainato
Belfanti	Gergely	McIlhattan	Samuelson
Benninghoff	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalfe	Scavello
Biancucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro
Boback	Grucela	Milne	Shimkus
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harper	Myers	Sonney
Carroll	Harris	Nailor	Staback
Casorio	Helm	Nickol	Stairs
Causer	Hennessey	O'Brien, M.	Steil
Civera	Hershey	O'Neill	Stern
Clymer	Hess	Oliver	Stevenson
Cohen	Hickernell	Pallone	Sturla
Conklin	Hornaman	Parker	Surra
Costa	Hutchinson	Pashinski	Swanger
Cox	James	Payne	Tangretti
Creighton	Josephs	Payton	Taylor, J.
Cruz	Kauffman	Peifer	Taylor, R.
Curry	Keller, M.	Perry	True
Cutler	Keller, W.	Perzel	Turzai
Daley	Kenney	Petrarca	Vereb
Dally	Kessler	Petri	Vitali
DeLuca	Killion	Petrone	Vulakovich
Denlinger	King	Phillips	Wagner
DePasquale	Kirkland	Pickett	Walko
Dermody	Kortz	Preston	Wansacz
DeWeese	Kotik	Pyle	Waters
DiGirolamo	Kula	Quigley	Watson
Donatucci	Leach	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roae	O'Brien, D.,
Fleck	Mann	Rock	Speaker
Frankel	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

Lentz Thomas Yudichak

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,
Will the House agree to the bill on second consideration as amended?

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the majority whip, who moves to suspend the rules.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for a suspension of the rules for the immediate consideration of amendment 06552, offered by the gentleman, Mr. Marsico.

On the question,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—196

Adolph	Frankel	Markosek	Rock
Argall	Freeman	Marshall	Roebuck
Baker	Gabig	Marsico	Rohrer
Barrar	Geist	McCall	Ross
Bastian	George	McGeehan	Rubley
Bear	Gerber	McI. Smith	Sabatina
Belfanti	Gergely	McIlhattan	Sainato
Benninghoff	Gibbons	Melio	Samuelson
Bennington	Gillespie	Mensch	Santoni
Beyer	Gingrich	Metcalfe	Saylor
Biancucci	Godshall	Micozzie	Scavello
Bishop	Goodman	Millard	Schroder
Blackwell	Grell	Miller	Seip
Boback	Grucela	Milne	Shimkus
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, S.
Buxton	Harhart	Murt	Solobay
Caltagirone	Harkins	Mustio	Sonney
Cappelli	Harper	Myers	Staback
Carroll	Harris	Nailor	Stairs
Casorio	Helm	Nickol	Steil
Causer	Hennessey	O'Brien, M.	Stern
Civera	Hershey	O'Neill	Stevenson
Clymer	Hess	Oliver	Sturla
Cohen	Hickernell	Pallone	Surra
Conklin	Hornaman	Parker	Swanger
Costa	Hutchinson	Pashinski	Tangretti
Cox	James	Payne	Taylor, J.
Creighton	Josephs	Payton	Taylor, R.
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	Kirkland	Phillips	Walko
DePasquale	Kortz	Pickett	Wansacz
Dermody	Kotik	Preston	Waters
DeWeese	Kula	Pyle	Watson
DiGirolamo	Leach	Quigley	Wheatley
Donatucci	Levdansky	Quinn	White

Eachus	Longiatti	Ramaley	Williams
Ellis	Mackereth	Rapp	Wojnaroski
Evans, D.	Maher	Raymond	Yewcic
Evans, J.	Mahoney	Readshaw	Youngblood
Everett	Major	Reed	
Fabrizio	Manderino	Reichley	O'Brien, D.,
Fairchild	Mann	Roae	Speaker
Fleck	Mantz		

NAYS-4

Galloway	King	Shapiro	Smith, M.
----------	------	---------	-----------

NOT VOTING-0

EXCUSED-3

Lentz	Thomas	Yudichak
-------	--------	----------

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Mr. MARSICO offered the following amendment No. A06552:

Amend Sec. 6 (Sec. 9756), page 9, line 4, by removing the period after "sentence" and inserting

except, if the defendant was previously sentenced to two or more recidivism risk reduction incentive minimum sentences, the court shall have the discretion to impose a sentence with no recidivism risk reduction incentive minimum.

Amend Sec. 10 (Sec. 5305), page 25, by inserting between lines 22 and 23

(3) Notwithstanding paragraph (2), if the defendant was previously sentenced to two or more recidivism risk reduction incentive minimum sentences, the court shall have the discretion to impose a sentence with no recidivism risk reduction incentive minimum.

Amend Sec. 10 (Sec. 5305), page 25, line 23, by striking out "(3)" and inserting

(4)

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman, Representative Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

This is also an agreed-to amendment which provides that on the third or subsequent time that an offender is eligible for the RRRRI program, the judge has the discretion to grant them entry into the program or deny entry into the program.

I thank you and thank you for your support.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-200

Adolph	Freeman	Markosek	Roebuck
Argall	Gabig	Marshall	Rohrer
Baker	Galloway	Marsico	Ross
Barrar	Geist	McCall	Rubley
Bastian	George	McGeehan	Sabatina
Bear	Gerber	McI. Smith	Sainato
Belfanti	Gergely	McIlhattan	Samuelson
Benninghoff	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalfe	Scavello
Biancucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro
Boback	Grucela	Milne	Shimkus
Boyd	Haluska	Moul	Sipthroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harper	Myers	Sonney
Carroll	Harris	Nailor	Staback
Casorio	Helm	Nickol	Stairs
Causer	Hennessey	O'Brien, M.	Steil
Civera	Hershey	O'Neill	Stern
Clymer	Hess	Oliver	Stevenson
Cohen	Hickernell	Pallone	Sturla
Conklin	Hornaman	Parker	Surra
Costa	Hutchinson	Pashinski	Swanger
Cox	James	Payne	Tangretti
Creighton	Josephs	Payton	Taylor, J.
Cruz	Kauffman	Peifer	Taylor, R.
Curry	Keller, M.	Perry	True
Cutler	Keller, W.	Perzel	Turzai
Daley	Kenney	Petrarca	Vereb
Dally	Kessler	Petri	Vitali
DeLuca	Killion	Petrone	Vulakovich
Denlinger	King	Phillips	Wagner
DePasquale	Kirkland	Pickett	Walko
Dermody	Kortz	Preston	Wansacz
DeWeese	Kotik	Pyle	Waters
DiGirolamo	Kula	Quigley	Watson
Donatucci	Leach	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longiatti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roae	O'Brien, D.,
Fleck	Mann	Rock	Speaker
Frankel	Mantz		

NAYS-0

NOT VOTING-0

EXCUSED-3

Lentz	Thomas	Yudichak
-------	--------	----------

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

The SPEAKER pro tempore. It is the Chair's understanding that all the other amendments have been withdrawn.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the presence on the floor of the gentleman from Philadelphia, Representative Thomas, and directs that the clerk add him to the master roll.

CONSIDERATION OF HB 4 CONTINUED

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 6, PN 2931**, entitled:

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for intent, for business of the Pennsylvania Board of Probation and Parole, for powers and duties of the board, for duties of the chairman of the board, for supervision of parole and probation, for power to parole and for commission of crime during parole.

On the question,

Will the House agree to the bill on second consideration?

Mr. **D. O'BRIEN** offered the following amendment No. **A05959**:

Amend Title, page 1, line 21, by striking out "and" and inserting a comma

Amend Title, page 1, line 21, by removing the period after "parole" and inserting

and for victim of the offense.

Amend Sec. 2 (Sec. 4), page 3, line 16, by inserting after "(e)" and 44 Pa.C.S. Ch. 53 (relating to recidivism risk reduction incentive)

Amend Sec. 4 (Sec. 17), page 6, line 5, by inserting after "**YEARS.**" If a court paroles or reparaoles a person, the court shall report the parole decision to the Pennsylvania Commission on Sentencing pursuant to 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).

Amend Sec. 5 (Sec. 21), page 6, line 17, by striking out "2154.4" and inserting

2154.5

Amend Sec. 5 (Sec. 21), page 7, line 5, by striking out "2154.4" and inserting

2154.5

Amend Sec. 5 (Sec. 21), page 7, line 7, by removing the period after "guidelines" and inserting

to the Pennsylvania Commission on Sentencing, as established under 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).

Amend Sec. 5 (Sec. 21), page 7, lines 8 and 9, by striking out all of line 8 and "with this subsection, including" in line 9 and inserting

use

Amend Sec. 5 (Sec. 21), page 7, line 10, by inserting after "from"

also

Amend Sec. 5 (Sec. 21), page 7, line 11, by striking out "detailed guideline"

Amend Sec. 5 (Sec. 21), page 7, line 12, by removing the period after "act" and inserting

including internal decisional instruments.

Amend Sec. 5 (Sec. 21), page 11, line 18, by striking out "2154.5" and inserting

2154.6

Amend Sec. 5 (Sec. 21), page 11, by inserting between lines 19 and 20

(c.1) In each case in which the board deviates from the recommitment ranges established under 42 Pa.C.S. § 2154.6, the board shall provide a contemporaneous written statement of the reason for the deviation from the recommitment ranges to the Pennsylvania Commission on Sentencing, as established under 42 Pa.C.S. § 2153(a)(14).

Amend Bill, page 12, by inserting between lines 27 and 28

Section 7. Section 22.1 of the act, amended July 11, 1990 (P.L.476, No.114), is amended to read:

Section 22.1. The victim of the offense for which a defendant is sentenced, or a member of the immediate family of the victim if the victim is a juvenile, is incapable of testifying or died as a result of the defendant's conduct, shall be notified by the district attorney immediately following sentencing, in cases where the defendant has been sentenced to a term of imprisonment, that he shall have the opportunity to present a statement for the parole report to be considered at the parole hearing or to testify to the parole board expressing his opinion concerning the release of the defendant. Each victim or relative shall be responsible for notifying the board of his intention to submit such a statement and to provide and keep current an appropriate mailing address.

The report may include a statement concerning the continuing nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss of earnings or ability to work suffered by the victim and the continuing effect of the crime upon the victim's family. At the time public notice is given that an inmate is being considered for parole pursuant to this section, the board shall also notify any victim or nearest relative who has previously contacted the board of the availability to provide a statement for inclusion in the parole report or to present testimony for inclusion at the parole hearing.

The board shall notify such person at his last known mailing address. The notification required by this section shall be given by the board, in the case of a parole to be granted pursuant to section 22 of this act, or by the court, in the case of a parole to be granted pursuant to section 17 of this act.

The victim or family member shall notify the board within thirty days from the date of the notice of his intent to present testimony for a parole hearing. This time period may be waived by the board for good cause.

Upon the victim or family member submitting a written statement to the board subsequent to notice, the statement shall be made a part of the board's file on the inmate, and the inmate's case shall be referred to a hearing officer designated to conduct parole release hearings.

Upon the victim or family member informing the board subsequent to notice being provided that such person intends to testify, the chairperson shall assign the inmate's case to a hearing examiner for the purpose of receiving such person's testimony.

The assigned hearing examiner shall conduct a hearing within thirty days from the date the board received notification of the intent to offer testimony.

The hearing shall be conducted at a time and place and on a date determined by the chairperson or designee. Notice of the time, place and date of the hearing shall be provided to the victim or family member, in writing, and shall be mailed at least ten days prior to the hearing date.

The hearing shall be recorded by an electronic recording device.

The hearing examiner shall prepare a written report within a reasonable amount of time prior to the hearing date. A copy of the

report shall be forwarded to the person offering testimony. A copy of the report shall be made a part of the board's file on the prisoner.

Upon completion of the written report, the prisoner's case shall be referred to a hearing examiner designated to conduct parole release hearings.

The hearing scheduled pursuant to this section shall be conducted, when possible, prior to a parole release hearing and prior to the board rendering a decision. However, nothing herein shall be construed to preclude the board from conducting a timely parole release hearing.

After submission of the report, the board shall within a reasonable amount of time:

- (1) evaluate the information provided;
- (2) determine whether the decision shall be affirmed or modified;
- (3) determine whether a rescission hearing shall be conducted; and
- (4) notify the prisoner in writing of its decision.

[Any] Except as otherwise provided by law or this section, any and all statements or testimony of the victim or family member submitted to the board pertaining to the continuing nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss of earnings or ability to work suffered by the victim and the continuing effect of the crime upon the victim's family shall [not be deemed confidential and shall be released to the prisoner unless the withholding of the statements or testimony is requested by the victim and the hearing officer determines that the release of the statements or testimony would endanger the safety of the person providing the statements or testifying. The board on its own motion may for good cause identify all or part of the statements or testimony as confidential].

(1) Be deemed confidential and privileged.

(2) Not be subject to subpoena or discovery.

(3) Not be introduced into evidence in any judicial or administrative proceeding.

(4) Not be released to the prisoner.

All records maintained by the board pertaining to victims shall be kept separate[, and current address information of the victim or], Current address, telephone numbers and any other personal information of the victim and family members shall be deemed confidential.

Except as otherwise provided by law, no person who has had access to a report, record or any other information under this section shall disclose the content of the report, record or other information or testify in a judicial or administrative proceeding without the written consent of the victim.

A victim or the family member who has submitted a written statement for the parole report or testified at a hearing pursuant to this section shall be notified by the board of the final decision rendered in the prisoner's case.

If the final decision is to not release the prisoner and if, subsequent to that decision, additional parole release hearings are conducted for that same prisoner, then the victim or family member who has submitted a written statement for the parole report or who has testified at a hearing pursuant to this section shall be notified by the board at the last known address if and when additional parole hearings are scheduled by the board.

Amend Sec. 7, page 12, line 28, by striking out "7" and inserting

8

On the question,
Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the Chair recognizes the Speaker.

Mr. D. O'BRIEN. This is a technical amendment, and I ask the members' support.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—201

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Rubley
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Bianucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Siptroth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, M.
Brooks	Harhai	Mundy	Smith, S.
Buxton	Harhart	Murt	Solobay
Caltagirone	Harkins	Mustio	Sonney
Cappelli	Harper	Myers	Staback
Carroll	Harris	Nailor	Stairs
Casorio	Helm	Nickol	Steil
Causer	Hennessey	O'Brien, M.	Stern
Civera	Hershey	O'Neill	Stevenson
Clymer	Hess	Oliver	Sturla
Cohen	Hickernell	Pallone	Surra
Conklin	Hornaman	Parker	Swanger
Costa	Hutchinson	Pashinski	Tangretti
Cox	James	Payne	Taylor, J.
Creighton	Josephs	Payton	Taylor, R.
Cruz	Kauffman	Peifer	Thomas
Curry	Keller, M.	Perry	True
Cutler	Keller, W.	Perzel	Turzai
Daley	Kenney	Petrarca	Vereb
Dally	Kessler	Petri	Vitali
DeLuca	Killion	Petrone	Vulakovich
Denlinger	King	Phillips	Wagner
DePasquale	Kirkland	Pickett	Walko
Dermody	Kortz	Preston	Wansacz
DeWeese	Kotik	Pyle	Waters
DiGirolamo	Kula	Quigley	Watson
Donatucci	Leach	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longiatti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roae	O'Brien, D.,
Fleck	Mann	Rock	Speaker
Frankel	Mantz	Roebuck	

NAYS—0

NOT VOTING—0

EXCUSED—2

Lentz Yudichak

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,
Will the House agree to the bill on second consideration as amended?

LEAVE OF ABSENCE

The SPEAKER pro tempore. The majority whip requests a leave of absence for the gentleman from Chester, Representative KIRKLAND. Without objection, the leave is so granted.

CONSIDERATION OF HB 6 CONTINUED

On the question recurring,
Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 5, PN 2241**, entitled:

An Act amending the act of July 11, 1923 (P.L.1044, No.425), referred to as the Prisoner Transfer Law, further providing for transfer of inmates.

On the question,
Will the House agree to the bill on second consideration?
Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 7, PN 2906**, entitled:

Act amending the act of May 31, 1919 (P.L.356, No.170), entitled, as amended, "An act authorizing courts of record to remove convicts and persons confined in jails, workhouses, reformatories, reform or industrial schools, penitentiaries, prisons, houses of correction or any other penal institutions, who are seriously ill, to other institutions; and providing penalties for breach of prison," further providing for removal of certain convicts who are seriously ill.

On the question,
Will the House agree to the bill on second consideration?

Mr. **LEACH** offered the following amendment No. **A06525**:

Amend Sec. 1 (Sec. 1), page 1, line 20, by inserting a bracket before "Section"

Amend Sec. 1 (Sec. 1), page 1, line 20, by striking out the bracket before "Be"

Amend Sec. 1 (Sec. 1), page 2, line 14, by striking out all of said line and inserting removed.]

Section 1. Removal.

Amend Sec. 1 (Sec. 1), page 2, line 15, by striking out "Petition" and inserting

Prisoners committed to custody of the Department of Corrections

Amend Sec. 1 (Sec. 1), page 2, line 16, by inserting after "Corrections" where it appears the second time

, the prisoner or a person to whom the court grants standing to act on behalf of the prisoner

Amend Sec. 1 (Sec. 1), page 2, line 17, by striking out "approve the proposed removal of" and inserting

temporarily defer service of the sentence of confinement and temporarily remove

Amend Sec. 1 (Sec. 1), page 2, lines 21 and 22, by striking out "Department of Corrections' request to" and inserting

petitioner's request to temporarily defer service of the sentence of confinement and

Amend Sec. 1 (Sec. 1), page 2, line 23, by inserting after "upon"

clear and convincing

Amend Sec. 1 (Sec. 1), page 2, lines 25 and 26, by striking out "Department of Corrections reasonably believes that the"

Amend Sec. 1 (Sec. 1), page 2, line 30, by striking out "Department of Corrections" and inserting

petitioner

Amend Sec. 1 (Sec. 1), page 3, lines 4 and 5, by striking out "The Department of Corrections reasonably believes that there" and inserting

There

Amend Sec. 1 (Sec. 1), page 3, line 11, by inserting after "community."

In making this determination the sentencing court shall consider the prisoner's institutional conduct record, whether the prisoner was ever convicted of a crime of violence, the length of time that the prisoner has been imprisoned and any other factors the sentencing court deems relevant.

Amend Sec. 1 (Sec. 1), page 3, by inserting between lines 16 and 17

(vii) Each agency representing the Commonwealth at a proceeding which resulted in an order committing or detaining the inmate, the State or local correctional facility housing the inmate and any registered crime victim have been given notice and an opportunity to be heard on the petition.

Amend Sec. 1 (Sec. 1), page 3, lines 17 through 20, by striking out "Department of" in line 17, all of lines 18 through 20 and inserting

petitioner's request to temporarily defer service of the sentence of confinement in order for the prisoner to receive care from a licensed hospice care provider proposed by the petitioner if all of the following are established by clear and convincing proof:

Amend Sec. 1 (Sec. 1), page 3, lines 23 through 27, by striking out all of said lines and inserting

(ii) The licensed hospice care provider can provide the prisoner with more appropriate care.

Amend Sec. 1 (Sec. 1), page 3, line 30, by inserting after "hospice" where it appears the first time

care

Amend Sec. 1 (Sec. 1), page 4, line 1, by striking out "hospice" and inserting

proposed, licensed hospice care

Amend Sec. 1 (Sec. 1), page 4, line 3, by inserting after "community."

In making this determination the sentencing court shall consider the prisoner's institutional conduct record, whether the prisoner was ever convicted of a crime of violence, the length of time that the prisoner has been imprisoned and any other factors the sentencing court deems relevant.

Amend Sec. 1 (Sec. 1), page 4, line 4, by inserting after "hospice"

care

Amend Sec. 1 (Sec. 1), page 4, by inserting between lines 9 and 10

(vi) Each agency representing the Commonwealth at a proceeding which resulted in an order committing or detaining the prisoner, the State or local correctional facility housing the prisoner and any registered crime victim have been given notice and an opportunity to be heard on the petition.

Amend Sec. 1 (Sec. 1), page 4, lines 10 through 20, by striking out all of said lines and inserting

(3) Any order entered pursuant to this subsection temporarily deferring service of a prisoner's sentence of confinement shall include a provision that the Department of Corrections or prosecuting attorney may at any time petition the sentencing court for an order directing that the prisoner be recommitted to the custody of the Department of Corrections if the circumstances under which the prisoner was released change or for any previously unknown circumstances, including a change in the prisoner's medical status, the prisoner's risk of escape, the prisoner's danger to the community, or the nature of the medical or other care provided by the hospital, long-term care nursing facility or hospice care provider.

(4) The sentencing court may terminate at any time its order authorizing the temporary deferral of the service of a prisoner's sentence of confinement entered pursuant to this subsection. A prisoner taken into custody pursuant to an order directing the prisoner's detention or recommitment under this subsection shall be delivered to the nearest State correctional institution to be housed by the Department of Corrections pending a hearing on the matter.

Amend Sec. 1 (Sec. 1), page 4, line 21, by striking out "Placement.—An inmate" and inserting

Prisoners committed to the custody of other facilities.—A prisoner

Amend Sec. 1 (Sec. 1), page 4, line 26, by inserting after "may"

have service of his sentence of confinement deferred and

may

Amend Sec. 1 (Sec. 1), page 4, line 30, by striking out "apply" and inserting

are established by clear and convincing proof

Amend Sec. 1 (Sec. 1), page 5, line 3, by inserting after "designee" or the prisoner or a person to whom the court grants standing to act on behalf of the prisoner

Amend Sec. 1 (Sec. 1), page 5, line 5, by striking out "person confined" and inserting

prisoner

Amend Sec. 1 (Sec. 1), page 5, lines 10 and 11, by striking out all of said lines and inserting

(3) An entry of an order pursuant to this subsection temporarily deferring service of a prisoner's sentence of confinement shall include a provision that the administrator of the local correctional facility or the prosecuting attorney may at any time petition the sentencing court seeking the issuance of a bench warrant directing that the prisoner be recommitted to the custody of the local correctional facility if the circumstances under which the prisoner was released change or for previously unknown circumstances, including a change in the prisoner's medical status, the prisoner's risk of escape, the prisoner's danger to the community or the nature of the medical or other care provided by the hospital, long-term care nursing facility or hospice care provider.

(4) The sentencing court may terminate at any time its order authorizing the temporary deferral of the service of a prisoner's sentence of confinement entered pursuant to this subsection. A prisoner taken into custody pursuant to an order directing his detention or recommitment under this subsection shall be delivered to the county correctional facility, jail or other institution at which he was confined prior to the entry of the order deferring the service of his sentence of confinement pending a hearing on the matter.

Amend Sec. 1 (Sec. 1), page 5, line 15, by inserting after "detained" and to the State or local correctional facility responsible for housing the prisoner

Amend Sec. 1 (Sec. 1), page 5, by inserting between lines 24 and 25 (d) Notice.—

(1) Any order entered under this section placing a prisoner in a hospital, long-term care nursing facility or hospice care location which provides care to persons who were not placed therein pursuant to an order entered under this section shall direct the individual in charge of the hospital, long-term care nursing facility or hospice care location to ensure that each person receiving care at, and each employee or contractor working in, the hospital, long-term care nursing facility or hospice care location is notified that the placement was ordered if it is foreseeable that the person, employee or contractor will come into contact with the prisoner during the placement.

(2) The sentencing court shall forward notice of any order entered under this section placing a prisoner in a hospital, long-term care nursing facility or hospice care location to the hospital, long-term care nursing facility or hospice care location and to the Department of Public Welfare.

(e) Petition requirements.—Any petition filed pursuant to this section must aver:

(1) The name of the hospital, long-term care nursing facility or hospice care location proposed for placement.

(2) That the petitioner reasonably believes the named hospital, long-term care nursing facility or hospice care location has agreed to accept the placement of the prisoner and the facts upon which that belief is based.

Amend Sec. 1 (Sec. 1), page 5, line 25, by striking out "(d)" and inserting

(f)

Amend Sec. 1 (Sec. 1), page 6, line 1, by inserting after "hospice" care

Amend Sec. 1 (Sec. 1), page 6, line 6, by inserting after "hospice" where it appears the first time care

Amend Sec. 1 (Sec. 1), page 6, lines 12 through 14, by striking out all of said lines and inserting

"Prosecuting attorney." The district attorney of the county that most recently sentenced a prisoner, or a designee of the district attorney.

"Sentencing court." The trial judge who most recently sentenced a prisoner or the president judge of the county court of common pleas if the trial judge is no longer serving as a judge of that court.

Amend Sec. 2 (Sec. 2), page 6, lines 16 through 20, by striking out all of said lines and inserting

[Section 2. If any person so removed under an order of court, as provided in the first section of this act, shall escape, he or she, so offending, shall, upon conviction thereof, be guilty of the crime of breach of prison.]

Section 2. Removal from placement.

If any person placed in a hospital, long-term care nursing facility or hospice care location pursuant to this act removes himself from the hospital, long-term care nursing facility or hospice care location, he shall be subject to arrest upon probable cause and shall, upon conviction thereof, be guilty of criminal contempt.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman, Representative Leach.

Mr. LEACH. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment, I believe.

It just sets forth the rules as to when compassionate care can occur and when a prisoner's sentence can be deferred because he or she is seriously ill and they can be moved to a hospice or a hospital or a nursing-care facility. This makes it clear that the

victims and the Department of Corrections have the opportunity to be heard on such petitions and that the Department of Corrections and the prisoner have the right to file the petition in order to get a hearing on this matter. The judge has the right but not the requirement of granting these.

And again, it is an agreed-to amendment, worked out in consultation with all the stakeholders.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

Adolph	Frankel	Marsico	Ross
Argall	Freeman	McCall	Rubley
Baker	Gabig	McGeehan	Sabatina
Barrar	Galloway	McI. Smith	Sainato
Bastian	Geist	McIlhattan	Samuelson
Bear	George	Melio	Santoni
Belfanti	Gerber	Mensch	Saylor
Benninghoff	Gergely	Micozzie	Scavello
Bennington	Gibbons	Millard	Schroder
Beyer	Gillespie	Miller	Seip
Biancucci	Gingrich	Milne	Shapiro
Bishop	Godshall	Moul	Shimkus
Blackwell	Goodman	Moyer	Siproth
Boback	Grell	Mundy	Smith, K.
Boyd	Grucela	Murt	Smith, M.
Brennan	Haluska	Mustio	Smith, S.
Brooks	Hanna	Myers	Solobay
Buxton	Harhai	Nailor	Sonney
Caltagirone	Harhart	Nickol	Staback
Cappelli	Harkins	O'Brien, M.	Stairs
Carroll	Harper	O'Neill	Steil
Casorio	Harris	Oliver	Stern
Causar	Helm	Pallone	Stevenson
Civera	Hennessey	Parker	Sturla
Clymer	Hershey	Pashinski	Surra
Cohen	Hess	Payne	Swanger
Conklin	Hickernell	Payton	Tangretti
Costa	Hornaman	Peifer	Taylor, J.
Cox	James	Perry	Taylor, R.
Creighton	Josephs	Perzel	Thomas
Cruz	Kauffman	Petrarca	True
Curry	Keller, M.	Petri	Turzai
Cutler	Keller, W.	Petrone	Vereb
Daley	Kessler	Phillips	Vitali
Dally	Killion	Pickett	Vulakovich
DeLuca	King	Preston	Wagner
Denlinger	Kortz	Pyle	Walko
DePasquale	Kotik	Quigley	Wansacz
Dermody	Kula	Quinn	Waters
DeWeese	Leach	Ramaley	Watson
DiGirolamo	Levdansky	Rapp	Wheatley
Donatucci	Longiotti	Raymond	White
Eachus	Mackereth	Readshaw	Williams
Ellis	Maher	Reed	Wojnaroski
Evans, D.	Mahoney	Reichley	Yewcic
Evans, J.	Major	Roe	Youngblood
Everett	Manderino	Rock	
Fabrizio	Mann	Roebuck	O'Brien, D., Speaker
Fairchild	Mantz	Rohrer	
Fleck	Markosek		

NAYS—4

Hutchinson	Kenney	Marshall	Metcalfe
------------	--------	----------	----------

NOT VOTING—0

EXCUSED—3

Kirkland Lentz Yudichak

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,
Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

The SPEAKER pro tempore. The House will be at ease.

The House will come to order.

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that the following bills be removed from the tabled calendar:

- HB 1438;
- HB 1439;
- HB 2035;
- HB 2043;
- HB 2117; and
- HB 2168.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILLS RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations:

- HB 1438;
- HB 1439;
- HB 2035;
- HB 2043;
- HB 2117; and
- HB 2168.

On the question,
Will the House agree to the motion?
Motion was agreed to.

CALENDAR CONTINUED

RESOLUTIONS PURSUANT TO RULE 35

Mr. DeWEESE called up HR 488, PN 2765, entitled:

A Resolution congratulating graduates of the Pennsylvania Empowered Expert Residents (PEER) Project and recognizing Wednesday, May 7, 2008, as "Pennsylvania Empowered Expert Residents (PEER) Day" in Pennsylvania.

On the question, Will the House adopt the resolution?

RESOLUTION RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 488 be removed from the active calendar and recommitted to the Committee on Rules.

On the question, Will the House agree to the motion? Motion was agreed to.

* * *

Mr. ROHRER called up HR 611, PN 3263, entitled:

A Resolution declaring the week of April 21 through 25, 2008, as "Pennsylvania Academic Competition Week" in Pennsylvania; and urging the Department of Education, local school districts and intermediate units to participate in the 17th annual Statewide Pennsylvania Academic Competition on April 25, 2008.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Table listing names of members who voted in favor (Yeas) for HR 611. Includes names like Adolph, Argall, Baker, Barrar, Bastian, Bear, Belfanti, Benninghoff, Bennington, Beyer, Biancucci, Bishop, Blackwell, Boback, Boyd, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Carroll, Casorio, Causer, Civera, Clymer, Cohen, Conklin, Freeman, Gabig, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hennessey, Hershey, Hess, Hickernell, Hornaman, Marshall, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Milne, Moul, Moyer, Mundy, Murt, Mustio, Myers, Nailor, Nickol, O'Brien, M., O'Neill, Oliver, Pallone, Parker, Pashinski, Rohrer, Ross, Rubley, Sabatina, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Shimkus, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Swanger.

Table listing names of members who voted in opposition (Nays) for HR 488. Includes names like Costa, Cox, Creighton, Cruz, Curry, Cutler, Daley, Dally, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Fleck, Frankel, Hutchinson, James, Josephs, Kauffman, Keller, M., Keller, W., Kenney, Kessler, Killion, King, Kortz, Kotik, Kula, Leach, Levdansky, Longietti, Mackereth, Maher, Mahoney, Major, Manderino, Mann, Mantz, Markosek, Payne, Payton, Peifer, Perry, Perzel, Petrarca, Petri, Petrone, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Roae, Rock, Roebuck, Tangretti, Taylor, J., Taylor, R., Thomas, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Walko, Wansacz, Waters, Watson, Wheatley, White, Williams, Wojnaroski, Yewcic, Youngblood, O'Brien, D., Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-3

Table listing names of members who were excused: Kirkland, Lentz, Yudichak.

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

* * *

Mr. HESS called up HR 623, PN 3317, entitled:

A Resolution designating April 8, 2008, as "Cushing's Syndrome Awareness Day" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Table listing names of members who voted in favor (Yeas) for HR 623. Includes names like Adolph, Argall, Baker, Barrar, Bastian, Bear, Belfanti, Benninghoff, Bennington, Beyer, Biancucci, Bishop, Blackwell, Boback, Boyd, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Freeman, Gabig, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Marshall, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Milne, Moul, Moyer, Mundy, Murt, Mustio, Myers, Nailor, Rohrer, Ross, Rubley, Sabatina, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Shimkus, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Swanger.

Carroll	Harris	Nickol	Stairs
Casorio	Helm	O'Brien, M.	Steil
Causer	Hennessey	O'Neill	Stern
Civera	Hershey	Oliver	Stevenson
Clymer	Hess	Pallone	Sturla
Cohen	Hickernell	Parker	Surra
Conklin	Hornaman	Pashinski	Swanger
Costa	Hutchinson	Payne	Tangretti
Cox	James	Payton	Taylor, J.
Creighton	Josephs	Peifer	Taylor, R.
Cruz	Kauffman	Perry	Thomas
Curry	Keller, M.	Perzel	True
Cutler	Keller, W.	Petrarca	Turzai
Daley	Kenney	Petri	Vereb
Dally	Kessler	Petrone	Vitali
DeLuca	Killion	Phillips	Vulakovich
Denlinger	King	Pickett	Wagner
DePasquale	Kortz	Preston	Walko
Dermody	Kotik	Pyle	Wansacz
DeWeese	Kula	Quigley	Waters
DiGirolamo	Leach	Quinn	Watson
Donatucci	Levdansky	Ramaley	Wheatley
Eachus	Longiotti	Rapp	White
Ellis	Mackereth	Raymond	Williams
Evans, D.	Maher	Readshaw	Wojnaroski
Evans, J.	Mahoney	Reed	Yewcic
Everett	Major	Reichley	Youngblood
Fabrizio	Manderino	Roae	
Fairchild	Mann	Rock	O'Brien, D.,
Fleck	Mantz	Roebuck	Speaker
Frankel	Markosek		

NAYS-0

NOT VOTING-0

EXCUSED-3

Kirkland	Lentz	Yudichak
----------	-------	----------

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

* * *

Mr. HESS called up **HR 622, PN 3316**, entitled:

A Resolution designating the month of May 2008 as "Cystic Fibrosis Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Freeman	Marshall	Rohrer
Argall	Gabig	Marsico	Ross
Baker	Galloway	McCall	Rubley
Barrar	Geist	McGeehan	Sabatina
Bastian	George	McI. Smith	Sainato
Bear	Gerber	McIlhattan	Samuelson
Belfanti	Gergely	Melio	Santoni
Benninghoff	Gibbons	Mensch	Saylor
Bennington	Gillespie	Metcalfe	Scavello
Beyer	Gingrich	Micozzie	Schroder
Biancucci	Godshall	Millard	Seip
Bishop	Goodman	Miller	Shapiro
Blackwell	Grell	Milne	Shimkus

Boback	Grucela	Moul	Siptroth
Boyd	Haluska	Moyer	Smith, K.
Brennan	Hanna	Mundy	Smith, M.
Brooks	Harhai	Murt	Smith, S.
Buxton	Harhart	Mustio	Solobay
Caltagirone	Harkins	Myers	Sonney
Cappelli	Harper	Nailor	Staback
Carroll	Harris	Nickol	Stairs
Casorio	Helm	O'Brien, M.	Steil
Causer	Hennessey	O'Neill	Stern
Civera	Hershey	Oliver	Stevenson
Clymer	Hess	Pallone	Sturla
Cohen	Hickernell	Parker	Surra
Conklin	Hornaman	Pashinski	Swanger
Costa	Hutchinson	Payne	Tangretti
Cox	James	Payton	Taylor, J.
Creighton	Josephs	Peifer	Taylor, R.
Cruz	Kauffman	Perry	Thomas
Curry	Keller, M.	Perzel	True
Cutler	Keller, W.	Petrarca	Turzai
Daley	Kenney	Petri	Vereb
Dally	Kessler	Petrone	Vitali
DeLuca	Killion	Phillips	Vulakovich
Denlinger	King	Pickett	Wagner
DePasquale	Kortz	Preston	Walko
Dermody	Kotik	Pyle	Wansacz
DeWeese	Kula	Quigley	Waters
DiGirolamo	Leach	Quinn	Watson
Donatucci	Levdansky	Ramaley	Wheatley
Eachus	Longiotti	Rapp	White
Ellis	Mackereth	Raymond	Williams
Evans, D.	Maher	Readshaw	Wojnaroski
Evans, J.	Mahoney	Reed	Yewcic
Everett	Major	Reichley	Youngblood
Fabrizio	Manderino	Roae	
Fairchild	Mann	Rock	O'Brien, D.,
Fleck	Mantz	Roebuck	Speaker
Frankel	Markosek		

NAYS-0

NOT VOTING-0

EXCUSED-3

Kirkland	Lentz	Yudichak
----------	-------	----------

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

* * *

Mrs. RUBLEY called up **HR 650, PN 3447**, entitled:

A Resolution designating the week of April 13 through 19, 2008, as "Local Government Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Freeman	Marshall	Rohrer
Argall	Gabig	Marsico	Ross
Baker	Galloway	McCall	Rubley
Barrar	Geist	McGeehan	Sabatina
Bastian	George	McI. Smith	Sainato
Bear	Gerber	McIlhattan	Samuelson

Belfanti	Gergely	Melio	Santoni
Benninghoff	Gibbons	Mensch	Saylor
Bennington	Gillespie	Metcalfe	Scavello
Beyer	Gingrich	Micozzie	Schroder
Biancucci	Godshall	Millard	Seip
Bishop	Goodman	Miller	Shapiro
Blackwell	Grell	Milne	Shimkus
Boback	Grucela	Moul	Siptroth
Boyd	Haluska	Moyer	Smith, K.
Brennan	Hanna	Mundy	Smith, M.
Brooks	Harhai	Murt	Smith, S.
Buxton	Harhart	Mustio	Solobay
Caltagirone	Harkins	Myers	Sonney
Cappelli	Harper	Nailor	Staback
Carroll	Harris	Nickol	Stairs
Casorio	Helm	O'Brien, M.	Steil
Causar	Hennessey	O'Neill	Stern
Civera	Hershey	Oliver	Stevenson
Clymer	Hess	Pallone	Sturla
Cohen	Hickernell	Parker	Surra
Conklin	Hornaman	Pashinski	Swanger
Costa	Hutchinson	Payne	Tangretti
Cox	James	Payton	Taylor, J.
Creighton	Josephs	Peifer	Taylor, R.
Cruz	Kauffman	Perry	Thomas
Curry	Keller, M.	Perzel	True
Cutler	Keller, W.	Petrarca	Turzai
Daley	Kenney	Petri	Vereb
Dally	Kessler	Petrone	Vitali
DeLuca	Killion	Phillips	Vulakovich
Denlinger	King	Pickett	Wagner
DePasquale	Kortz	Preston	Walko
Dermody	Kotik	Pyle	Wansacz
DeWeese	Kula	Quigley	Waters
DiGirolamo	Leach	Quinn	Watson
Donatucci	Levdansky	Ramaley	Wheatley
Eachus	Longietti	Rapp	White
Ellis	Mackereth	Raymond	Williams
Evans, D.	Maher	Readshaw	Wojnaroski
Evans, J.	Mahoney	Reed	Yewcic
Everett	Major	Reichley	Youngblood
Fabrizio	Manderino	Roae	
Fairchild	Mann	Rock	O'Brien, D.,
Fleck	Mantz	Roebuck	Speaker
Frankel	Markosek		

NAYS-0

NOT VOTING-0

EXCUSED-3

Kirkland	Lentz	Yudichak
----------	-------	----------

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

* * *

Mr. MILLARD called up **HR 674, PN 3501**, entitled:

A Resolution recognizing April 7, 2008, as "Service Dog Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Freeman	Marshall	Rohrer
Argall	Gabig	Marsico	Ross
Baker	Galloway	McCall	Rubley
Barrar	Geist	McGeehan	Sabatina
Bastian	George	McI. Smith	Sainato
Bear	Gerber	McIlhattan	Samuelson
Belfanti	Gergely	Melio	Santoni
Benninghoff	Gibbons	Mensch	Saylor
Bennington	Gillespie	Metcalfe	Scavello
Beyer	Gingrich	Micozzie	Schroder
Biancucci	Godshall	Millard	Seip
Bishop	Goodman	Miller	Shapiro
Blackwell	Grell	Milne	Shimkus
Boback	Grucela	Moul	Siptroth
Boyd	Haluska	Moyer	Smith, K.
Brennan	Hanna	Mundy	Smith, M.
Brooks	Harhai	Murt	Smith, S.
Buxton	Harhart	Mustio	Solobay
Caltagirone	Harkins	Myers	Sonney
Cappelli	Harper	Nailor	Staback
Carroll	Harris	Nickol	Stairs
Casorio	Helm	O'Brien, M.	Steil
Causar	Hennessey	O'Neill	Stern
Civera	Hershey	Oliver	Stevenson
Clymer	Hess	Pallone	Sturla
Cohen	Hickernell	Parker	Surra
Conklin	Hornaman	Pashinski	Swanger
Costa	Hutchinson	Payne	Tangretti
Cox	James	Payton	Taylor, J.
Creighton	Josephs	Peifer	Taylor, R.
Cruz	Kauffman	Perry	Thomas
Curry	Keller, M.	Perzel	True
Cutler	Keller, W.	Petrarca	Turzai
Daley	Kenney	Petri	Vereb
Dally	Kessler	Petrone	Vitali
DeLuca	Killion	Phillips	Vulakovich
Denlinger	King	Pickett	Wagner
DePasquale	Kortz	Preston	Walko
Dermody	Kotik	Pyle	Wansacz
DeWeese	Kula	Quigley	Waters
DiGirolamo	Leach	Quinn	Watson
Donatucci	Levdansky	Ramaley	Wheatley
Eachus	Longietti	Rapp	White
Ellis	Mackereth	Raymond	Williams
Evans, D.	Maher	Readshaw	Wojnaroski
Evans, J.	Mahoney	Reed	Yewcic
Everett	Major	Reichley	Youngblood
Fabrizio	Manderino	Roae	
Fairchild	Mann	Rock	O'Brien, D.,
Fleck	Mantz	Roebuck	Speaker
Frankel	Markosek		

NAYS-0

NOT VOTING-0

EXCUSED-3

Kirkland	Lentz	Yudichak
----------	-------	----------

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

The SPEAKER pro tempore. The House will be at ease.

The House will come to order.

FILMING PERMISSION

The SPEAKER pro tempore. The Chair gives permission to John Walzak, editor of the Leader Vindicator, a local newspaper from Clarion County, who is the guest of Representative Fred McIlhattan and is shadowing the Representative today and will be taking still photos for a period of 10 minutes, I believe of just Representative McIlhattan.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1761, PN 2722**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for law enforcement officers of limited jurisdiction.

On the question,
Will the House agree to the bill on second consideration?

The SPEAKER pro tempore. The Chair understands that there are no amendments currently active on this bill.

On the question recurring,
Will the House agree to the bill on second consideration?
Bill was agreed to.

The SPEAKER pro tempore. The House will be at ease.

The House will come to order.

HOUSE SCHEDULE

The SPEAKER pro tempore. The Chair recognizes the majority leader for an announcement.

Mr. DeWEESE. Thank you, Mr. Speaker. Just for a matter of scheduling.

Next week we will be involved with the prison legislation, the mortgage reform legislation. If things go very favorably, it will be a 2-day instead of a 3-day session before we break for the election season.

So there will be no further votes today. Next week we will be working with our mortgage and our prison legislation, and it could conceivably be a 2-day week instead of a 3-day week as we get ready to recess for the primary election.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

RECESS

The SPEAKER pro tempore. Are there any committee announcements or any further announcements from the House?

Seeing none, the Chair recognizes the gentleman, Representative Murt from Montgomery County, who moves that this House do now recess until Monday, April 7, 2008, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?

Motion was agreed to, and at 1:51 p.m., e.d.t., the House recessed.