

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 5

Special Session No. 1 of
1995

INTRODUCED BY PICCOLA, WAUGH, WALKO, BROWNE, BROWN, MASLAND,
GODSHALL, GRUITZA, PETRARCA, STRITTMATTER, WOZNIAK, TRELLO,
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HUTCHINSON, BAKER, SCHULER, WOGAN, CIVERA, GEIST, HASAY, ZUG,
FAIRCHILD, CORNELL, CHADWICK, STISH, VANCE, BIRMELIN, SAYLOR,
RUBLEY, FARMER, MILLER, DEMPSEY, KING, NAILOR, O'BRIEN,
STEIL, FEESE, TRUE, STERN, ARMSTRONG, NICKOL, HARHART,
ARGALL, BARD, L. I. COHEN, J. TAYLOR, PLATTS, SCHRODER,
E. Z. TAYLOR, STAIRS, HENNESSEY, KELLER, BUTKOVITZ, LEDERER,
GLADECK, PERZEL, BARLEY, FLICK, FARGO, PITTS, RYAN, DeLUCA,
GIGLIOTTI, COY, GEORGE AND LEH, FEBRUARY 1, 1995

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 1, 1995

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further providing for the
21 Board of Pardons.

22 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 403 of the act of April 9, 1929 (P.L.177,
3 No.175), known as The Administrative Code of 1929, amended
4 October 5, 1967 (P.L.353, No.153), is amended to read:

5 Section 403. Board of Pardons.--The Board of Pardons shall
6 consist of the Lieutenant Governor who shall be chairman, the
7 Attorney General, and three members appointed by the Governor
8 with the consent of two-thirds of the members elected to the
9 Senate, one for two years, one for four years, and one for six
10 years, and thereafter for full terms of six years. The three
11 members appointed by the Governor shall be residents of
12 Pennsylvania [and shall be recognized leaders in their fields];
13 one shall be a [member of the bar] crime victim, one a
14 [penologist] corrections expert, and the third a [doctor of
15 medicine,] psychiatrist or psychologist with expertise in the
16 prediction of violent behavior. The board shall keep records of
17 its actions, which shall at all times be open for public
18 inspection.

19 Three members of the board shall constitute a quorum.

20 Section 2. Section 909 of the act, amended July 19, 1957
21 (P.L.1016, No.450) and repealed in part July 21, 1968 (P.L.769,
22 No.240), is amended to read:

23 Section 909. Board of Pardons.--(a) The Board of Pardons
24 shall have the power to hear applications for the remission of
25 fines and forfeitures, and the granting of reprieves,
26 commutations of sentence, and pardons, except in cases of
27 impeachment, and to make recommendations in writing to the
28 Governor thereon, in the manner provided in and under and
29 subject to Article IV, Section 9, of the Constitution of this
30 Commonwealth.

1 (b) The Board of Pardons shall adopt rules and regulations
2 governing its actions and no hearings or recommendations except
3 those involving applicants under sentence of death shall be
4 contrary thereto.

5 (c) The Board of Pardons shall provide notice to any victim
6 registered with the Department of Corrections or the board, as
7 defined under section 479.1, of the opportunity to offer prior
8 comment on any application which has been granted a hearing by
9 the board pertaining to their case. The victim's prior comment
10 may be oral or written and shall be considered by the board as
11 to the advisability of any pardon or related release and any
12 conditions of release. The board shall provide notice to victims
13 of the date, time and place of any hearing pertaining to their
14 case.

15 (d) Where the Board of Pardons chooses to hear the
16 application of an inmate serving a life sentence or an inmate
17 serving a sentence for a crime of violence, the Board of Pardons
18 shall require the presence of the inmate at the hearing.

19 (e) As used in this section, the term "crime of violence"
20 means:

21 (1) Murder of the third degree, voluntary manslaughter,
22 rape, involuntary deviate sexual intercourse, aggravated assault
23 as defined in 18 Pa.C.S. § 2702(a)(1) (relating to aggravated
24 assault), robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii)
25 or (iii) (relating to robbery) or kidnapping.

26 (2) An attempt to commit voluntary manslaughter, rape,
27 involuntary deviate sexual intercourse, aggravated assault as
28 defined in 18 Pa.C.S. § 2702(a)(1), robbery as defined in 18
29 Pa.C.S. § 3701 (a)(1)(i), (ii) or (iii) or kidnapping.

30 (3) To serve a sentence under 42 Pa.C.S. § 9712 (relating to

1 sentences for offenses committed with firearms).

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