

## 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,  
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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, LEH, D. W. SNYDER, SHEEHAN, PHILLIPS,  
DENT AND BLAUM, FEBRUARY 1, 1995

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MARCH 21, 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 employees 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 employees of certain departments, boards and  
20 commissions shall be determined," further providing for the

1 POWERS AND DUTIES OF THE Board of Pardons. <—

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

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

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

21 ~~Three members of the board shall constitute a quorum.~~

22 Section 2 1. Section 909 of the act OF APRIL 9, 1929 <—  
23 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929,  
24 amended July 19, 1957 (P.L.1016, No.450) and repealed in part  
25 July 21, 1968 (P.L.769, No.240), is amended to read:

26 Section 909. Board of Pardons.--(a) The Board of Pardons  
27 shall have the power to hear applications for the remission of  
28 fines and forfeitures, and the granting of reprieves,  
29 commutations of sentence, and pardons, except in cases of  
30 impeachment, and to make recommendations in writing to the

1 Governor thereon, in the manner provided in and under and  
2 subject to Article IV, Section 9, of the Constitution of this  
3 Commonwealth.

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

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

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

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

24 (1) Murder of the third degree, voluntary manslaughter,  
25 rape, SEXUAL ASSAULT, involuntary deviate sexual intercourse, <—  
26 aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1)  
27 (relating to aggravated assault), robbery as defined in 18  
28 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery) or  
29 kidnapping.

30 (2) An attempt to commit voluntary manslaughter, rape,

1 SEXUAL ASSAULT, involuntary deviate sexual intercourse, <—  
2 aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1),  
3 robbery as defined in 18 Pa.C.S. § 3701 (a)(1)(i), (ii) or (iii)  
4 or kidnapping.  
5 (3) To serve a sentence under 42 Pa.C.S. § 9712 (relating to  
6 sentences for offenses committed with firearms).  
7 Section 3 2. This act shall take effect in 60 days. <—