

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 645 Session of 2011

INTRODUCED BY DeLUCA, KOTIK, BOYD, D. COSTA, DERMODY, HARKINS, HARRIS, HESS, HORNAMAN, KAVULICH, W. KELLER, METCALFE, MILLARD, MILLER, MOUL, MURT, SCAVELLO, STABACK, STERN, SWANGER, YOUNGBLOOD, CALTAGIRONE AND SACCONI, FEBRUARY 14, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 5, 2012

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 61
2 (Prisons and Parole) of the Pennsylvania Consolidated
3 Statutes, further providing for sentences for second and
4 subsequent offenses, FOR PRERELEASE PLAN FOR INMATES and for
5 general criteria for parole. ←

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

8 Section 1. Section 9714(g) of Title 42 of the Pennsylvania
9 Consolidated Statutes, amended July 7, 2011 (P.L.220, No.40), is
10 amended and the section is amended by adding a subsection to
11 read:

12 § 9714. Sentences for second and subsequent offenses.

13 * * *

14 (a.2) Parole.--Any person sentenced under subsection (a)
15 shall not be eligible for parole until he has served 85% of the
16 maximum sentence as provided under subsection (a.1).

17 * * *

1 (g) Definition.--[As used in this section, the term "crime
2 of violence" means murder of the third degree, voluntary
3 manslaughter, aggravated assault as defined in 18 Pa.C.S. §
4 2702(a) (1) or (2) (relating to aggravated assault), rape,
5 involuntary deviate sexual intercourse, aggravated indecent
6 assault, incest, sexual assault, arson as defined in 18 Pa.C.S.
7 § 3301(a) (relating to arson and related offenses), kidnapping,
8 burglary of a structure adapted for overnight accommodation in
9 which at the time of the offense any person is present, robbery
10 as defined in 18 Pa.C.S. § 3701(a) (1) (i), (ii) or (iii)
11 (relating to robbery), or robbery of a motor vehicle, drug
12 delivery resulting in death as defined in 18 Pa.C.S. § 2506(a)
13 (relating to drug delivery resulting in death), or criminal
14 attempt, criminal conspiracy or criminal solicitation to commit
15 murder or any of the offenses listed above, or an equivalent
16 crime under the laws of this Commonwealth in effect at the time
17 of the commission of that offense or an equivalent crime in
18 another jurisdiction.] As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection unless the context clearly indicates otherwise:

21 "Crimes of violence." An offense under any of the following:

22 (1) 18 Pa.C.S. § 901 (relating to criminal attempt),
23 involving an attempt to commit an offense under 18 Pa.C.S. §
24 2502(a) or (b) (relating to murder), 2507(a) or (b) (relating
25 to criminal homicide of law enforcement officer) or any of
26 the offenses under paragraph (4), (5), (6), (7), (8), (9),
27 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19),
28 (19.1), (19.2) or (19.3).

29 (2) 18 Pa.C.S. § 902 (relating to criminal
30 solicitation), involving solicitation to commit an offense

1 under 18 Pa.C.S. § 2502(a) or (b), 2507(a) or (b) or any of
2 the offenses under paragraph (4), (5), (6), (7), (8), (9),
3 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19),
4 (19.1), (19.2) or (19.3).

5 (3) 18 Pa.C.S. § 903 (relating to criminal conspiracy),
6 involving conspiracy to commit an offense under 18 Pa.C.S. §
7 2502(a) or (b), 2507(a) or (b) or any of the offenses under
8 paragraph (4), (5), (6), (7), (8), (9), (10), (11), (12),
9 (13), (14), (15), (16), (17), (18), (19), (19.1), (19.2) or
10 (19.3).

11 (4) 18 Pa.C.S. § 2502(c).

12 (5) 18 Pa.C.S. § 2503 (relating to voluntary
13 manslaughter).

14 (6) 18 Pa.C.S. § 2506 (relating to drug delivery
15 resulting in death).

16 (7) 18 Pa.C.S. § 2507(c) or (d).

17 (8) 18 Pa.C.S. § 2701(a)(3) or (4) (relating to simple
18 assault).

19 (9) 18 Pa.C.S. § 2702(a)(1) or (2) (relating to
20 aggravated assault).

21 (10) 18 Pa.C.S. § 2702.1 (relating to assault of law
22 enforcement officer).

23 (11) 18 Pa.C.S. § 2901 (relating to kidnapping).

24 (12) 18 Pa.C.S. § 3121 (relating to rape).

25 (13) 18 Pa.C.S. § 3123 (relating to involuntary deviate
26 sexual intercourse).

27 (14) 18 Pa.C.S. § 3124.1 (relating to sexual assault).

28 (15) 18 Pa.C.S. § 3125 (relating to aggravated indecent
29 assault).

30 (16) 18 Pa.C.S. § 3301(a) (relating to arson and related

1 offenses).

2 (17) 18 Pa.C.S. § 3502 (relating to burglary), if at the
3 time of the offense the structure entered was adapted for
4 overnight accommodation.

5 (18) 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating
6 to robbery).

7 (19) 18 Pa.C.S. § 3702 (relating to robbery of motor
8 vehicle).

9 (19.1) 18 Pa.C.S. § 4302 (relating to incest).

10 (19.2) 18 Pa.C.S. § 4952 (relating to intimidation of
11 witnesses or victims), involving a witness to or a victim of
12 a violation of 18 Pa.C.S. § 2502 or 2507 or any of the
13 offenses under paragraph (1), (2), (3), (4), (5), (6), (7),
14 (8), (9), (10), (11), (12), (13), (14), (15), (16), (17),
15 (18), (19), (19.1), (19.3), (20) or (21) or a violation of
16 section 13(a)(30) of the act of April 14, 1972 (P.L.233,
17 No.64), known as The Controlled Substance, Drug, Device and
18 Cosmetic Act.

19 (19.3) 18 Pa.C.S. § 4953 (relating to retaliation
20 against witness, victim or party), involving a witness to,
21 victim of or party to a proceeding alleging a violation of 18
22 Pa.C.S. § 2502 or 2507 or any of the offenses under paragraph
23 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11),
24 (12), (13), (14), (15), (16), (17), (18), (19), (19.1),
25 (19.2), (20) or (21) or a violation of section 13(a)(30) of
26 The Controlled Substance, Drug, Device and Cosmetic Act.

27 (20) A crime equivalent to one listed under paragraph
28 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11),
29 (12), (13), (14), (15), (16), (17), (18), (19), (19.1),
30 (19.2) or (19.3) under the laws of this Commonwealth in

1 effect at the time of the commission of the offense.

2 (21) A crime equivalent to one listed under paragraph
3 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11),
4 (12), (13), (14), (15), (16), (17), (18), (19), (19.1),
5 (19.2) or (19.3) under Federal law or in a jurisdiction
6 outside this Commonwealth.

7 Section 2. Section 3702(a) of Title 61 is amended to read:

8 § 3702. Prerelease plan for inmates.

9 (a) Transfer authorization.--

10 (1) [The] ~~Except as provided in paragraphs (2) and (3)~~ ←
11 PARAGRAPH (2), the secretary may transfer an inmate ←
12 incarcerated in any prerelease center or in any prerelease
13 center located in any State correctional institution who has
14 not been sentenced to death or life imprisonment to any
15 prerelease center.

16 (2) The transfer of the inmate to the prerelease center
17 shall not occur where the transfer is not appropriate due to
18 a certified terminal illness.

19 ~~(3) No inmate who is serving a period of incarceration~~ ←
20 ~~that includes a sentence imposed for commission of any of the~~
21 ~~crimes of violence as defined in 42 Pa.C.S. § 9714(g)~~
22 ~~(relating to sentences for second and subsequent offenses)~~
23 ~~shall be eligible for prerelease status. This section shall~~
24 ~~not apply to inmates described under this paragraph.~~

25 * * *

26 Section 3. Section 6137(a) of Title 61 is amended by adding
27 a paragraph to read:

28 § 6137. Parole power.

29 (a) General criteria for parole.--

30 * * *

1 (1.1) The board may not release on parole any inmate
2 serving a sentence imposed under 42 Pa.C.S. § 9714(a)
3 (relating to sentences for second and subsequent offenses)
4 until he has served at least 85% of the maximum sentence as
5 provided under 42 Pa.C.S. § 9714(a.1).

6 * * *

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