
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 135 Session of
2017

INTRODUCED BY DAWKINS, GAINNEY, KINSEY, YOUNGBLOOD, BLOOM,
V. BROWN, BULLOCK, FRANKEL, McCLINTON, THOMAS, RAVENSTAHL,
KIM AND ROZZI, APRIL 7, 2017

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 7, 2017

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 42 (Judiciary and
2 Judicial Procedure) and 61 (Prisons and Parole) of the
3 Pennsylvania Consolidated Statutes, in authorized disposition
4 of offenders, further providing for sentence of persons under
5 the age of 18 for murder, murder of an unborn child and
6 murder of a law enforcement officer; in sentencing, further
7 providing for sentences for second and subsequent offenses;
8 and, in probation and parole, further providing for parole
9 power.

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

12 Section 1. Section 1102.1(a) and (d) of Title 18 of the
13 Pennsylvania Consolidated Statutes are amended to read:

14 § 1102.1. Sentence of persons under the age of 18 for murder,
15 murder of an unborn child and murder of a law
16 enforcement officer.

17 (a) First degree murder.--A person who has been convicted
18 after June 24, 2012, of a murder of the first degree, first
19 degree murder of an unborn child or murder of a law enforcement
20 officer of the first degree and who was under the age of 18 at
21 the time of the commission of the offense shall be sentenced as

1 follows:

2 (1) A person who at the time of the commission of the
3 offense was 15 years of age or older shall be sentenced to a
4 term of life imprisonment [without parole], or a term of
5 imprisonment, the minimum of which shall be at least 35 years
6 to life.

7 (2) A person who at the time of the commission of the
8 offense was under 15 years of age shall be sentenced to a
9 term of life imprisonment [without parole], or a term of
10 imprisonment, the minimum of which shall be at least 25 years
11 to life.

12 * * *

13 (d) Findings.--In determining whether to impose a sentence
14 of life [without parole] under subsection (a), the court shall
15 consider and make findings on the record regarding the
16 following:

17 (1) The impact of the offense on each victim, including
18 oral and written victim impact statements made or submitted
19 by family members of the victim detailing the physical,
20 psychological and economic effects of the crime on the victim
21 and the victim's family. A victim impact statement may
22 include comment on the sentence of the defendant.

23 (2) The impact of the offense on the community.

24 (3) The threat to the safety of the public or any
25 individual posed by the defendant.

26 (4) The nature and circumstances of the offense
27 committed by the defendant.

28 (5) The degree of the defendant's culpability.

29 (6) Guidelines for sentencing and resentencing adopted
30 by the Pennsylvania Commission on Sentencing.

- 1 (7) Age-related characteristics of the defendant,
2 including:
- 3 (i) Age.
 - 4 (ii) Mental capacity.
 - 5 (iii) Maturity.
 - 6 (iv) The degree of criminal sophistication exhibited
7 by the defendant.
 - 8 (v) The nature and extent of any prior delinquent or
9 criminal history, including the success or failure of any
10 previous attempts by the court to rehabilitate the
11 defendant.
 - 12 (vi) Probation or institutional reports.
 - 13 (vii) Other relevant factors.

14 * * *

15 Section 2. Section 9714(a)(2) of Title 42 is amended to
16 read:

17 § 9714. Sentences for second and subsequent offenses.

18 (a) Mandatory sentence.--

19 * * *

20 (2) Where the person had at the time of the commission
21 of the current offense previously been convicted of two or
22 more such crimes of violence arising from separate criminal
23 transactions, the person shall be sentenced to a minimum
24 sentence of at least 25 years of total confinement,
25 notwithstanding any other provision of this title or other
26 statute to the contrary. Proof that the offender received
27 notice of or otherwise knew or should have known of the
28 penalties under this paragraph shall not be required. Upon
29 conviction for a third or subsequent crime of violence the
30 court may, if it determines that 25 years of total

1 confinement is insufficient to protect the public safety,
2 sentence the offender to life imprisonment [without parole].

3 * * *

4 Section 3. Section 6137(a)(1) and (3) of Title 61 are
5 amended to read:

6 § 6137. Parole power.

7 (a) General criteria for parole.--

8 (1) The board may parole subject to consideration of
9 guidelines established under 42 Pa.C.S. § 2154.5 (relating to
10 adoption of guidelines for parole) and may release on parole
11 any inmate to whom the power to parole is granted to the
12 board by this chapter, except an inmate condemned to death
13 [or serving life imprisonment], whenever in its opinion:

14 (i) The best interests of the inmate justify or
15 require that the inmate be paroled.

16 (ii) It does not appear that the interests of the
17 Commonwealth will be injured by the inmate's parole.

18 * * *

19 (3) The power to parole granted under this section to
20 the board may not be exercised in the board's discretion at
21 any time before, but only after[,];

22 (i) the expiration of the minimum term of
23 imprisonment fixed by the court in its sentence or by the
24 Board of Pardons in a sentence which has been reduced by
25 commutation[.]; or

26 (ii) fifteen years, in the case of an inmate
27 sentenced to life imprisonment. Notwithstanding the date
28 of conviction and notwithstanding any other provision of
29 this title or other statute, any person serving a life
30 sentence under the laws of this Commonwealth may be

1 eligible for parole review after serving 15 years of
2 imprisonment.

3 * * *

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