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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1453 Session of  
2017

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INTRODUCED BY SIMMONS, NEUMAN, DAVIS, V. BROWN, IRVIN, BERNSTINE  
AND GILLEN, MAY 25, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, MAY 25, 2017

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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," in powers and duties of the  
21 Department of Justice and its departmental administrative  
22 boards, further providing for board of pardons.

23 The General Assembly of the Commonwealth of Pennsylvania  
24 hereby enacts as follows:

25 Section 1. Section 909(c) of the act of April 9, 1929  
26 (P.L.177, No.175), known as The Administrative Code of 1929, is  
27 amended to read:

28 Section 909. Board of Pardons.--\* \* \*

1 (c) The Board of Pardons shall adopt rules and regulations  
2 governing its actions and no hearings or recommendations shall  
3 be contrary thereto. In cases involving applicants under  
4 sentence of death, the application shall be filed within ten  
5 days of the Governor's issuance of a warrant specifying a week  
6 for execution. The Board of Pardons shall use the following  
7 criteria when adopting rules and regulations:

8 (1) With the exception of applications under the sentence of  
9 death or under paragraph (2)(iii), no application submitted for  
10 the purpose of requesting a reprieve, commutation of sentence or  
11 pardon shall be accepted or reviewed by the Board of Pardons  
12 unless the applicant has satisfied criteria in paragraph (2).

13 (2) Minimum eligibility requirements for applicants shall be  
14 as follows:

15 (i) No person shall be deemed eligible to submit an  
16 application with the Board of Pardons requesting a pardon until  
17 at least ten years have elapsed from the date of the person's  
18 most recent conviction or release from confinement during  
19 instances when a conviction has resulted in any period of  
20 imprisonment.

21 (ii) No person shall be deemed eligible to submit an  
22 application with the Board of Pardons requesting a commutation  
23 of sentence until at least ten years have elapsed from the date  
24 following the person's most recent conviction.

25 (iii) No person serving a life sentence shall be deemed  
26 eligible to submit an application with the Board of Pardons  
27 requesting a pardon until the person has served at least twenty-  
28 five years of the life sentence.

29 (iv) No person who is incarcerated shall be deemed eligible  
30 to submit an application with the Board of Pardons requesting a

1 pardon or commutation of sentence if the person is within three  
2 years of the minimum sentence or the maximum sentence.

3 (3) Each applicant must show that the applicant has paid or  
4 is in the process of paying fines, court costs and restitution.  
5 If the applicant has outstanding financial obligations, the  
6 applicant must have a payment plan and have made payments for at  
7 least the twelve consecutive months prior to the submission of  
8 the application.

9 (4) For the purposes of paragraph (2), the term "conviction"  
10 shall not include a summary conviction.

11 \* \* \*

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