

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1009 Session of 2019

INTRODUCED BY LEE, HILL-EVANS, ULLMAN, FREEMAN, MURT, KINSEY, RAPP, A. DAVIS, CEPHAS, T. DAVIS, SOLOMON, OTTEN, McNEILL, CALTAGIRONE, SCHWEYER, BURGOS, BULLOCK, DALEY, DAVIDSON, INNAMORATO, KENYATTA, DEASY, MADDEN, WILLIAMS, HOHENSTEIN, SHUSTERMAN, HARRIS, McCLINTON, ZABEL, FIEDLER, FRANKEL, STURLA AND HOWARD, APRIL 2, 2019

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 2, 2019

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
 2 Pennsylvania Consolidated Statutes, in sentencing, providing
 3 for alternative sentence for pregnant offenders.

4 The General Assembly of the Commonwealth of Pennsylvania
 5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated
 7 Statutes is amended by adding a section to read:

8 § 9722.1. Alternative sentence for pregnant offenders.

9 (a) Sentencing.--Notwithstanding any other provision of law
 10 and except as otherwise provided under this section, in the case
 11 of a pregnant offender, a court shall impose an individually
 12 assessed sentence without confinement in a prison, work camp,
 13 halfway facility or similar institution and based on community
 14 rehabilitation. In imposing the sentence, the court shall take
 15 into consideration the need of the pregnant offender to have a
 16 relationship with the pregnant offender's child and may require

1 that the pregnant offender undergo house arrest.

2 (b) Conditions.--In imposing a sentence under this section,
3 the court may require the pregnant offender to meet certain
4 conditions that the court considers appropriate, including, but
5 not limited to, the following:

6 (1) Drug and alcohol treatment.

7 (2) Domestic violence education and prevention.

8 (3) Physical and sexual abuse counseling.

9 (4) Anger management.

10 (5) Vocational and educational services.

11 (6) Job training and placement education.

12 (7) Affordable and safe housing assistance education.

13 (8) Financial literacy.

14 (9) Parenting classes.

15 (10) Family and individual counseling.

16 (11) Family case management services.

17 (c) Appearance.--The court may require a pregnant offender
18 serving a sentence under this section to appear in court at any
19 time during her sentence for the following purposes:

20 (1) Evaluating the pregnant offender's progress in
21 treatment or rehabilitation.

22 (2) Determining if the pregnant offender has violated
23 any condition of the sentence.

24 (d) Modifications.--During an appearance by a pregnant
25 offender under subsection (c), the court may:

26 (1) modify the conditions of the sentence imposed under
27 this section;

28 (2) decrease the duration of the sentence imposed under
29 this section based on the pregnant offender's successful
30 advancement; or

1 (3) sanction the pregnant offender for each detected
2 violation of any condition of the sentence imposed under this
3 section, including, but not limited to, requiring the
4 pregnant offender to serve a term of imprisonment within the
5 range of the offense for which the pregnant offender was
6 originally convicted.

7 (e) Applicability.--This section shall not apply to an
8 individual who:

9 (1) has a current or prior conviction of a felony
10 involving violence;

11 (2) is currently registered as a sex offender; or

12 (3) has a history of escape while in custody during the
13 preceding 10-year period.

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