

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1855 Session of 2019

INTRODUCED BY BERNSTINE, SAINATO, KAUFFMAN, STEPHENS, SNYDER, MILLARD, MOUL, DeLUCA, ZABEL, KEEFER, READSHAW, POLINCHOCK, KAIL, JONES, MARSHALL, KORTZ, ROEBUCK, MUSTELLO, WHEELAND, ROTHMAN, ORTITAY, SCHMITT, IRVIN, PICKETT, HELM, JOZWIAK, GILLESPIE, BARRAR, GLEIM, EVERETT, BURNS, TOOHL, GILLEN AND NESBIT, SEPTEMBER 23, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, DECEMBER 17, 2019

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania
2 Consolidated Statutes, in Pennsylvania Board of Probation and
3 Parole, further providing for parole power.

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

6 Section 1. Section 6137(k) of Title 61 of the Pennsylvania
7 Consolidated Statutes is amended and the section is amended by
8 adding subsections to read:

9 § 6137. Parole power.

10 * * *

11 (f.1) Violent offenses while incarcerated.--The board may
12 not release on parole a person convicted of a violent offense
13 committed while incarcerated for at least 24 months following
14 the expiration of the minimum term of imprisonment fixed by the
15 court or by the Board of Pardons in a sentence which has been
16 reduced by commutation or 24 months following the conviction,

1 whichever is longer.

2 (f.2) Obstruction of justice offenses while incarcerated.--

3 The board may not release on parole a person convicted of an
4 obstruction of justice offense committed while incarcerated for
5 at least 12 months following the expiration of the minimum term
6 of imprisonment fixed by the court or by the Board of Pardons in
7 a sentence which has been reduced by commutation or 12 months
8 following the conviction, whichever is longer.

9 * * *

10 (k) Definitions.--The following words and phrases shall have
11 the meanings given to them in this subsection unless the context
12 clearly indicates otherwise:

13 "Crime of violence." As defined in 42 Pa.C.S. § 9714(g)
14 (relating to sentences for second and subsequent offenses).

15 "Eligible offender." As defined in section 4503 (relating to
16 definitions).

17 "Obstruction of justice offense." An act, conspiracy or
18 solicitation to commit any of the following offenses under 18
19 Pa.C.S. (relating to crimes and offenses):

20 Section 4952 (relating to intimidation of witnesses or
21 victims).

22 Section 4953 (relating to retaliation against witness,
23 victim or party).

24 Section 4958 (relating to intimidation, retaliation or
25 obstruction in child abuse cases).

26 Section 5121 (relating to escape).

27 Section 5122 (relating to weapons or implements for
28 escape).

29 Section 5123 (relating to contraband).

30 "Violent offense." An act, conspiracy or solicitation to

1 commit any of the following offenses under 18 Pa.C.S.:
2 Section 2501 (relating to criminal homicide).
3 Section 2702 (relating to aggravated assault).
4 Section 2702.1 (relating to assault of law enforcement
5 officer).
6 Section 2703 (relating to assault by prisoner).
7 Section 2703.1 (relating to aggravated harassment by
8 prisoner).
9 Section 2718 (relating to strangulation).
10 Section 3121 (relating to rape).
11 Section 3123 (relating to involuntary deviate sexual
12 intercourse).
13 Section 3124.1 (relating to sexual assault).
14 Section 3124.2 (relating to institutional sexual
15 assault).
16 Section 3125 (relating to aggravated indecent assault).
17 Section 3126 (relating to indecent assault).
18 Section 3301 (relating to arson and related offenses).
19 Section 5501 (relating to riot).

20 Section 2. ~~This act shall take effect in 60 days.~~ THE <--
21 ADDITION OF 61 PA.C.S. § 6137(F.1) AND (F.2) SHALL ONLY APPLY TO
22 INDIVIDUALS WHO ARE INCARCERATED FOR CRIMES COMMITTED ON OR
23 AFTER THE EFFECTIVE DATE OF THIS SECTION.

24 SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

25 (1) THE FOLLOWING SHALL TAKE EFFECT IMMEDIATELY:

26 (I) THIS SECTION.

27 (II) SECTION 2 OF THIS ACT.

28 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
29 DAYS.