

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 146 Session of 2021

INTRODUCED BY BERNSTINE, SAINATO, KAUFFMAN, ROTHMAN, MILLARD, PICKETT, STRUZZI, JONES, SCHMITT, BURNS, STEPHENS, KEEFER, RYAN, TOOHIL, DUNBAR, MOUL, HEFFLEY, ROWE, DOWLING, POLINCHOCK, E. NELSON, GILLEN AND METZGAR, JANUARY 13, 2021

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 29, 2022

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 DEFINITIONS AND FOR parole <--
4 power.

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

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

10 SECTION 1. SECTION 6101 OF TITLE 61 OF THE PENNSYLVANIA <--
11 CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:
12 § 6101. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
14 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 * * *

17 "OBSTRUCTION OF JUSTICE OFFENSE." AN ACT, CONSPIRACY OR

1 SOLICITATION TO COMMIT ANY OF THE FOLLOWING OFFENSES UNDER 18
2 PA.C.S. (RELATING TO CRIMES AND OFFENSES) :
3 SECTION 4952 (RELATING TO INTIMIDATION OF WITNESSES OR
4 VICTIMS) .
5 SECTION 4953 (RELATING TO RETALIATION AGAINST WITNESS,
6 VICTIM OR PARTY) .
7 SECTION 4958 (RELATING TO INTIMIDATION, RETALIATION OR
8 OBSTRUCTION IN CHILD ABUSE CASES) .
9 SECTION 5121 (RELATING TO ESCAPE) .
10 SECTION 5122 (RELATING TO WEAPONS OR IMPLEMENTS FOR
11 ESCAPE) .
12 SECTION 5123(A), (A.2) OR (C) (RELATING TO CONTRABAND) .
13 * * *
14 "VIOLENT OFFENSE." AN ACT, CONSPIRACY OR SOLICITATION TO
15 COMMIT ANY OF THE FOLLOWING OFFENSES UNDER 18 PA.C.S.:
16 SECTION 2501 (RELATING TO CRIMINAL HOMICIDE) .
17 SECTION 2702 (RELATING TO AGGRAVATED ASSAULT) .
18 SECTION 2702.1 (RELATING TO ASSAULT OF LAW ENFORCEMENT
19 OFFICER) .
20 SECTION 2703 (RELATING TO ASSAULT BY PRISONER) .
21 SECTION 2703.1 (RELATING TO AGGRAVATED HARASSMENT BY
22 PRISONER) .
23 SECTION 2718 (RELATING TO STRANGULATION) .
24 SECTION 3121 (RELATING TO RAPE) .
25 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
26 INTERCOURSE) .
27 SECTION 3124.1 (RELATING TO SEXUAL ASSAULT) .
28 SECTION 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT) .
29 SECTION 3126 (RELATING TO INDECENT ASSAULT) .
30 SECTION 3301 (RELATING TO ARSON AND RELATED OFFENSES) .

1 SECTION 5501 (RELATING TO RIOT).

2 SECTION 2. SECTION 6137 OF TITLE 61 IS AMENDED BY ADDING
3 SUBSECTIONS TO READ:

4 § 6137. Parole power.

5 * * *

6 (f.1) Violent offenses while incarcerated.--The board may
7 not release on parole a person convicted of a violent offense
8 committed while incarcerated for at least 24 months following
9 the expiration of the minimum term of ~~imprisonment~~ INCARCERATION <--
10 fixed by the court WITH RESPECT TO THE UNDERLYING OFFENSE FOR <--
11 WHICH THE PERSON WAS ORIGINALLY CONVICTED or 24 months following
12 the conviction FOR THE VIOLENT OFFENSE, whichever is longer. <--

13 (f.2) Obstruction of justice offenses while incarcerated.--
14 The board may not release on parole a person convicted of an
15 obstruction of justice offense committed while incarcerated for
16 at least 12 months following the expiration of the minimum term
17 of ~~imprisonment~~ INCARCERATION fixed by the court WITH RESPECT TO <--
18 THE UNDERLYING OFFENSE FOR WHICH THE PERSON WAS ORIGINALLY
19 CONVICTED or 12 months following the conviction FOR THE <--
20 OBSTRUCTION OF JUSTICE OFFENSE, whichever is longer.

21 * * *

22 ~~(k) Definitions. The following words and phrases shall have <--~~
23 ~~the meanings given to them in this subsection unless the context~~
24 ~~clearly indicates otherwise:~~

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

27 ~~"Eligible offender." As defined in section 4503 (relating to~~
28 ~~definitions).~~

29 ~~"Obstruction of justice offense." An act, conspiracy or~~
30 ~~solicitation to commit any of the following offenses under 18~~

1 ~~Pa.C.S. (relating to crimes and offenses):~~

2 ~~Section 4952 (relating to intimidation of witnesses or~~
3 ~~victims).~~

4 ~~Section 4953 (relating to retaliation against witness,~~
5 ~~victim or party).~~

6 ~~Section 4958 (relating to intimidation, retaliation or~~
7 ~~obstruction in child abuse cases).~~

8 ~~Section 5121 (relating to escape).~~

9 ~~Section 5122 (relating to weapons or implements for~~
10 ~~escape).~~

11 ~~Section 5123(a), (a.2) or (c) (relating to contraband).~~

12 ~~"Violent offense." An act, conspiracy or solicitation to~~
13 ~~commit any of the following offenses under 18 Pa.C.S.:~~

14 ~~Section 2501 (relating to criminal homicide).~~

15 ~~Section 2702 (relating to aggravated assault).~~

16 ~~Section 2702.1 (relating to assault of law enforcement~~
17 ~~officer).~~

18 ~~Section 2703 (relating to assault by prisoner).~~

19 ~~Section 2703.1 (relating to aggravated harassment by~~
20 ~~prisoner).~~

21 ~~Section 2718 (relating to strangulation).~~

22 ~~Section 3121 (relating to rape).~~

23 ~~Section 3123 (relating to involuntary deviate sexual~~
24 ~~intercourse).~~

25 ~~Section 3124.1 (relating to sexual assault).~~

26 ~~Section 3125 (relating to aggravated indecent assault).~~

27 ~~Section 3126 (relating to indecent assault).~~

28 ~~Section 3301 (relating to arson and related offenses).~~

29 ~~Section 5501 (relating to riot).~~

30 Section 2 3. The addition of 61 Pa.C.S. § 6137(f.1) and

<--

1 (f.2) shall only apply to individuals who are incarcerated for
2 crimes committed on or after the effective date of this section.

3 Section ~~3~~ 4. This act shall take effect as follows: <--

4 (1) The following shall take effect immediately:

5 (i) This section.

6 (ii) Section ~~2~~ 3 of this act. <--

7 (2) The remainder of this act shall take effect in 60
8 days.