
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2927 Session of
2022

INTRODUCED BY RABB, D. MILLER, KINSEY, ZABEL, HOHENSTEIN,
HOWARD, SIMS, BRIGGS AND OTTEN, NOVEMBER 28, 2022

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 28, 2022

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in criminal homicide, further providing for the
4 offense of murder and for the offense of criminal homicide of
5 law enforcement officer; and, in post-trial matters, further
6 providing for eligibility for relief and for jurisdiction and
7 proceedings.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Sections 2502(b) and 2507(b) Title 18 of the
11 Pennsylvania Consolidated Statutes are amended to read:

12 § 2502. Murder.

13 * * *

14 (b) Murder of the second degree.--A criminal homicide
15 constitutes murder of the second degree when it is committed
16 with the intent to cause serious bodily injury or with willful
17 disregard of a substantial and unjustifiable risk that the
18 defendant's acts will cause death or serious bodily injury while
19 the defendant was engaged as a principal or an accomplice in the
20 perpetration of a felony. A defendant's intent to cause serious

1 bodily injury or to willfully disregard a substantial and
2 unjustifiable risk that the defendant's acts will cause death or
3 serious bodily injury shall not be imputed to a defendant based
4 solely on the defendant's intent to participate in the
5 underlying felony.

6 * * *

7 § 2507. Criminal homicide of law enforcement officer.

8 * * *

9 (b) Murder of a law enforcement officer of the second
10 degree.--

11 (1) A person commits murder of a law enforcement officer
12 of the second degree [who engages as a principal or an
13 accomplice in the perpetration of a felony during which a law
14 enforcement officer is killed while in the performance of
15 duty.] when the defendant:

16 (i) kills a law enforcement officer while in the
17 performance of duty;

18 (ii) intends to cause serious bodily injury to the
19 law enforcement officer or willfully disregards a
20 substantial and unjustifiable risk that the defendant's
21 acts will cause death or serious bodily injury; and

22 (iii) is engaged as a principal or an accomplice in
23 the perpetration of a felony.

24 (2) A defendant's intent to cause serious bodily injury
25 to the law enforcement officer or to willfully disregard a
26 substantial and unjustifiable risk that the defendant's acts
27 will cause death or serious bodily injury shall not be
28 imputed based solely on the defendant's intent to participate
29 in the underlying felony.

30 Section 2. Section 9543(a)(2) of Title 42 is amended by

1 adding a subparagraph to read:

2 § 9543. Eligibility for relief.

3 (a) General rule.--To be eligible for relief under this
4 subchapter, the petitioner must plead and prove by a
5 preponderance of the evidence all of the following:

6 * * *

7 (2) That the conviction or sentence resulted from one or
8 more of the following:

9 * * *

10 (ix) The conviction of the petitioner of murder of
11 the first degree or murder of the second degree when the
12 petitioner was engaged as a principal or an accomplice in
13 the perpetration of a felony and the acts or omissions
14 for which the petitioner was convicted no longer
15 constitute the offense of murder.

16 * * *

17 Section 3. Section 9545(b)(1) of Title 42 is amended to
18 read:

19 § 9545. Jurisdiction and proceedings.

20 * * *

21 (b) Time for filing petition.--

22 (1) Any petition under this subchapter, including a
23 second or subsequent petition, shall be filed within one year
24 of the date the judgment becomes final, unless the petition
25 alleges and the petitioner proves that:

26 (i) the failure to raise the claim previously was
27 the result of interference by government officials with
28 the presentation of the claim in violation of the
29 Constitution or laws of this Commonwealth or the
30 Constitution or laws of the United States;

1 (ii) the facts upon which the claim is predicated
2 were unknown to the petitioner and could not have been
3 ascertained by the exercise of due diligence; [or]

4 (iii) the right asserted is a constitutional right
5 that was recognized by the Supreme Court of the United
6 States or the Supreme Court of Pennsylvania after the
7 time period provided in this section and has been held by
8 that court to apply retroactively[.]; or

9 (iv) the claim is predicated on a subsequent change
10 to the elements of the offense for which the petitioner
11 was convicted.

12 * * *

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