



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE GOVERNOR  
HARRISBURG

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THE GOVERNOR

September 30, 2022

TO THE HONORABLE HOUSE OF REPRESENTATIVES  
OF THE COMMONWEALTH OF PENNSYLVANIA

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, House Bill 146, Printer's Number 3329.

This legislation, although attempting to address a tragic event, is misguided and would only set back the criminal justice system in Pennsylvania. The bill was prompted by the tragic death of an 8-year-old boy, and I sympathize with the family for their loss and for the desire of legislators to make Pennsylvania a safer place.

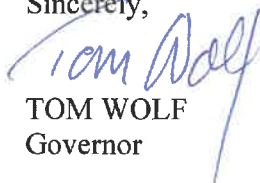
However, this legislation does not promote public safety, but instead proposes a mechanical and ineffective structure of mandatory parole denial, which is in effect a mandatory minimum by another name. This bill limits the Pennsylvania Parole Board's authority by prohibiting it from releasing a person convicted of an obstruction of justice or a violent offense while incarcerated on parole for an additional 12 or 24 months, respectively, after the original minimum term fixed by the courts or following the new conviction, whichever is longer. In many cases, it takes years for a conviction to occur. This bill would result in automatic parole denial for much longer than 12 or 24 months regardless of the circumstances of the individual case. This legislation also defines obstruction of justice broadly to include such non-violent offenses as possessing contraband even though there is no evidence that such offenses have any relationship to successful reintegration.

The Parole Board uses a number of evidence-based tools and principles to make informed, accurate decisions that ensure public safety. This legislation arbitrarily limits the nuances of that decision-making process. After a review of cases of parolees committing crimes, no evidence was found that misconduct of policy or rule violations would have reasonably affected the outcomes of the cases. Further, this legislation would undermine our legal system by increasing the minimum term of incarceration after a judge has imposed a final sentence and it would cause a person to be incarcerated longer for a conviction that did not even exist at the original time of sentencing.

This proposed institution of backdoor mandatory minimums would remove discretion from the Pennsylvania Parole Board, undermine the determination of the original sentencing judge and jury, and trample upon the protections of the criminal justice system in Pennsylvania.

For the reasons set forth above, I must withhold my signature from House Bill 146, Printer's Number 3329.

Sincerely,



TOM WOLF  
Governor