
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2135 Session of
2015

INTRODUCED BY DAWKINS, ACOSTA AND V. BROWN, JUNE 9, 2016

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 9, 2016

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 42 (Judiciary and
2 Judicial Procedure) and 61 (Prisons and Parole) of the
3 Pennsylvania Consolidated Statutes, in authorized disposition
4 of offenders, further providing for sentence of persons under
5 the age of 18 for murder, murder of an unborn child and
6 murder of a law enforcement officer; in sentencing, further
7 providing for sentences for second and subsequent offenses;
8 and, in probation and parole, further providing for parole
9 power.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 1102.1(a) and (d) of Title 18 of the
13 Pennsylvania Consolidated Statutes are amended to read:

14 § 1102.1. Sentence of persons under the age of 18 for murder,
15 murder of an unborn child and murder of a law
16 enforcement officer.

17 (a) First degree murder.--A person who has been convicted
18 after June 24, 2012, of a murder of the first degree, first
19 degree murder of an unborn child or murder of a law enforcement
20 officer of the first degree and who was under the age of 18 at
21 the time of the commission of the offense shall be sentenced as
22 follows:

1 (1) A person who at the time of the commission of the
2 offense was 15 years of age or older shall be sentenced to a
3 term of life imprisonment [without parole], or a term of
4 imprisonment, the minimum of which shall be at least 35 years
5 to life.

6 (2) A person who at the time of the commission of the
7 offense was under 15 years of age shall be sentenced to a
8 term of life imprisonment [without parole], or a term of
9 imprisonment, the minimum of which shall be at least 25 years
10 to life.

11 * * *

12 (d) Findings.--In determining whether to impose a sentence
13 of life [without parole] under subsection (a), the court shall
14 consider and make findings on the record regarding the
15 following:

16 (1) The impact of the offense on each victim, including
17 oral and written victim impact statements made or submitted
18 by family members of the victim detailing the physical,
19 psychological and economic effects of the crime on the victim
20 and the victim's family. A victim impact statement may
21 include comment on the sentence of the defendant.

22 (2) The impact of the offense on the community.

23 (3) The threat to the safety of the public or any
24 individual posed by the defendant.

25 (4) The nature and circumstances of the offense
26 committed by the defendant.

27 (5) The degree of the defendant's culpability.

28 (6) Guidelines for sentencing and resentencing adopted
29 by the Pennsylvania Commission on Sentencing.

30 (7) Age-related characteristics of the defendant,

1 including:

2 (i) Age.

3 (ii) Mental capacity.

4 (iii) Maturity.

5 (iv) The degree of criminal sophistication exhibited
6 by the defendant.

7 (v) The nature and extent of any prior delinquent or
8 criminal history, including the success or failure of any
9 previous attempts by the court to rehabilitate the
10 defendant.

11 (vi) Probation or institutional reports.

12 (vii) Other relevant factors.

13 * * *

14 Section 2. Section 9714(a)(2) of Title 42 is amended to
15 read:

16 § 9714. Sentences for second and subsequent offenses.

17 (a) Mandatory sentence.--

18 * * *

19 (2) Where the person had at the time of the commission
20 of the current offense previously been convicted of two or
21 more such crimes of violence arising from separate criminal
22 transactions, the person shall be sentenced to a minimum
23 sentence of at least 25 years of total confinement,
24 notwithstanding any other provision of this title or other
25 statute to the contrary. Proof that the offender received
26 notice of or otherwise knew or should have known of the
27 penalties under this paragraph shall not be required. Upon
28 conviction for a third or subsequent crime of violence the
29 court may, if it determines that 25 years of total
30 confinement is insufficient to protect the public safety,

1 sentence the offender to life imprisonment [without parole].

2 * * *

3 Section 3. Section 6137(a)(1) and (3) of Title 61 are
4 amended to read:

5 § 6137. Parole power.

6 (a) General criteria for parole.--

7 (1) The board may parole subject to consideration of
8 guidelines established under 42 Pa.C.S. § 2154.5 (relating to
9 adoption of guidelines for parole) and may release on parole
10 any inmate to whom the power to parole is granted to the
11 board by this chapter, except an inmate condemned to death
12 [or serving life imprisonment], whenever in its opinion:

13 (i) The best interests of the inmate justify or
14 require that the inmate be paroled.

15 (ii) It does not appear that the interests of the
16 Commonwealth will be injured by the inmate's parole.

17 * * *

18 (3) The power to parole granted under this section to
19 the board may not be exercised in the board's discretion at
20 any time before, but only after[,];

21 (i) the expiration of the minimum term of
22 imprisonment fixed by the court in its sentence or by the
23 Board of Pardons in a sentence which has been reduced by
24 commutation[.]; or

25 (ii) fifteen years, in the case of an inmate
26 sentenced to life imprisonment. Notwithstanding the date
27 of conviction and notwithstanding any other provision of
28 this title or other statute, any person serving a life
29 sentence under the laws of this Commonwealth may be
30 eligible for parole review after serving 15 years of

1 imprisonment.

2 * * *

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