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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 135 Session of  
2021

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INTRODUCED BY DAWKINS, KRAJEWSKI, SANCHEZ, KENYATTA, KINSEY,  
ISAACSON, FRANKEL, SCHWEYER, SCHLOSSBERG, KINKEAD, HARRIS,  
HOHENSTEIN, SIMS AND McCLINTON, OCTOBER 12, 2021

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REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 12, 2021

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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), (b) and (d) introductory  
13 paragraph of Title 18 of the Pennsylvania Consolidated Statutes  
14 are amended to read:

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

18 (a) First degree murder.--A person who has been convicted  
19 after June 24, 2012, of a murder of the first degree, first  
20 degree murder of an unborn child or murder of a law enforcement  
21 officer of the first degree and who was under the age of 18 at

1 the time of the commission of the offense shall be sentenced as  
2 follows:

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

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

13 (b) Notice.--Reasonable notice to the defendant of the  
14 Commonwealth's intention to seek a sentence of life imprisonment  
15 [without parole] under subsection (a) shall be provided after  
16 conviction and before sentencing.

17 \* \* \*

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

22 \* \* \*

23 Section 2. Section 9714(a)(2) of Title 42 is amended to  
24 read:

25 § 9714. Sentences for second and subsequent offenses.

26 (a) Mandatory sentence.--

27 \* \* \*

28 (2) Where the person had at the time of the commission  
29 of the current offense previously been convicted of two or  
30 more such crimes of violence arising from separate criminal

1 transactions, the person shall be sentenced to a minimum  
2 sentence of at least 25 years of total confinement,  
3 notwithstanding any other provision of this title or other  
4 statute to the contrary. Proof that the offender received  
5 notice of or otherwise knew or should have known of the  
6 penalties under this paragraph shall not be required. Upon  
7 conviction for a third or subsequent crime of violence the  
8 court may, if it determines that 25 years of total  
9 confinement is insufficient to protect the public safety,  
10 sentence the offender to life imprisonment [without parole].

11 \* \* \*

12 Section 3. Section 6137(a)(1) and (3) of Title 61, amended  
13 June 30, 2021 (P.L.260, No.59), are amended and the section is  
14 amended by adding a paragraph to read:

15 § 6137. Parole power.

16 (a) General criteria for parole.--

17 (1) The board may parole subject to consideration of  
18 guidelines established under 42 Pa.C.S. § 2154.5 (relating to  
19 adoption of guidelines for parole) or subject to section  
20 6137.1 (relating to short sentence parole) and such  
21 information developed by or furnished to the board under  
22 section 6174 (relating to right of access to offenders), or  
23 both, and may release on parole any offender to whom the  
24 power to parole is granted to the board by this chapter,  
25 except an offender condemned to death [or serving life  
26 imprisonment], whenever in its opinion:

27 (i) The best interests of the offender justify or  
28 require that the offender be paroled.

29 (ii) It does not appear that the interests of the  
30 Commonwealth will be injured by the offender's parole.

1 \* \* \*

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

5 (i) The expiration of the minimum term of  
6 imprisonment fixed by the court in its sentence or by the  
7 Board of Pardons in a sentence which has been reduced by  
8 commutation.

9 (ii) Notwithstanding 42 Pa.C.S. § 9757 (relating to  
10 consecutive sentences of total confinement for multiple  
11 offenses), five years after the date of incarceration  
12 which, in the case of an offender sentenced to life  
13 imprisonment, shall include any period of uninterrupted  
14 incarceration occurring prior to trial.

15 \* \* \*

16 (6) The board may not consider or grant parole to any  
17 offender sentenced under 18 Pa.C.S. § 1102(b) (relating  
18 to sentence for murder, murder of unborn child and murder of  
19 law enforcement officer) where the victim was a law  
20 enforcement officer.

21 \* \* \*

22 Section 4. The amendment or addition of the following  
23 provisions of this act shall apply to individuals sentenced to  
24 imprisonment before, on or after the effective date of this  
25 section:

26 (1) 18 Pa.C.S. § 1102.1(a), (b) and (d) introductory  
27 paragraph.

28 (2) 42 Pa.C.S. § 9714(a)(2).

29 (3) 61 Pa.C.S. § 6137(a)(1), (3) and (6).

30 Section 5. This act shall take effect in 60 days.