

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 518 Session of 2021

INTRODUCED BY DeLUCA AND GILLEN, FEBRUARY 11, 2021

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 11, 2021

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 61
 2 (Prisons and Parole) of the Pennsylvania Consolidated
 3 Statutes, in sentencing, further providing for sentences for
 4 second and subsequent offenses; and, in Pennsylvania Board of
 5 Probation and Parole, further providing for parole power.

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

8 Section 1. Section 9714(g) of Title 42 of the Pennsylvania
 9 Consolidated Statutes, amended June 5, 2020 (P.L.246, No.32), is
 10 amended and the section is amended by adding a subsection to
 11 read:

12 § 9714. Sentences for second and subsequent offenses.

13 * * *

14 (a.2) Parole.--Any person sentenced under subsection (a)
 15 shall not be eligible for parole until the person has served 85%
 16 of the maximum sentence as provided under subsection (a.1).

17 * * *

18 (g) Definition.--[As used in this section, the term "crime
 19 of violence" means murder of the third degree, voluntary
 20 manslaughter, manslaughter of a law enforcement officer as

1 defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal
2 homicide of law enforcement officer), murder of the third degree
3 involving an unborn child as defined in 18 Pa.C.S. § 2604(c)
4 (relating to murder of unborn child), aggravated assault of an
5 unborn child as defined in 18 Pa.C.S. § 2606 (relating to
6 aggravated assault of unborn child), aggravated assault as
7 defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to
8 aggravated assault), assault of law enforcement officer as
9 defined in 18 Pa.C.S. § 2702.1 (relating to assault of law
10 enforcement officer), use of weapons of mass destruction as
11 defined in 18 Pa.C.S. § 2716(b) (relating to weapons of mass
12 destruction), terrorism as defined in 18 Pa.C.S. § 2717(b)(2)
13 (relating to terrorism), strangulation when the offense is
14 graded as a felony as defined in 18 Pa.C.S. § 2718 (relating to
15 strangulation), trafficking of persons when the offense is
16 graded as a felony of the first degree as provided in 18 Pa.C.S.
17 § 3011 (relating to trafficking in individuals), rape,
18 involuntary deviate sexual intercourse, aggravated indecent
19 assault, incest, sexual assault, arson endangering persons or
20 aggravated arson as defined in 18 Pa.C.S. § 3301(a) or (a.1)
21 (relating to arson and related offenses), ecoterrorism as
22 classified in 18 Pa.C.S. § 3311(b)(3) (relating to
23 ecoterrorism), kidnapping, burglary as defined in 18 Pa.C.S. §
24 3502(a)(1) (relating to burglary), robbery as defined in 18
25 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), or
26 robbery of a motor vehicle, drug delivery resulting in death as
27 defined in 18 Pa.C.S. § 2506(a) (relating to drug delivery
28 resulting in death), or criminal attempt, criminal conspiracy or
29 criminal solicitation to commit murder or any of the offenses
30 listed above, or an equivalent crime under the laws of this

1 Commonwealth in effect at the time of the commission of that
2 offense or an equivalent crime in another jurisdiction.] As used
3 in this section, the following words and phrases shall have the
4 meanings given to them in this subsection unless the context
5 clearly indicates otherwise:

6 "Crime of violence." An offense under any of the following:

7 (1) 18 Pa.C.S. § 901 (relating to criminal attempt),
8 involving an attempt to commit an offense under 18 Pa.C.S. §
9 2502(a) or (b) (relating to murder), 2507(a) or (b) (relating
10 to criminal homicide of law enforcement officer) or any of
11 the offenses under paragraph (4), (5), (6), (7), (8), (9),
12 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19),
13 (20), (21) or (22).

14 (2) 18 Pa.C.S. § 902 (relating to criminal
15 solicitation), involving solicitation to commit an offense
16 under 18 Pa.C.S. § 2502(a) or (b), 2507(a) or (b) or any of
17 the offenses under paragraph (4), (5), (6), (7), (8), (9),
18 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19),
19 (20), (21) or (22).

20 (3) 18 Pa.C.S. § 903 (relating to criminal conspiracy),
21 involving conspiracy to commit an offense under 18 Pa.C.S. §
22 2502(a) or (b), 2507(a) or (b) or any of the offenses under
23 paragraph (4), (5), (6), (7), (8), (9), (10), (11), (12),
24 (13), (14), (15), (16), (17), (18), (19), (20), (21) or (22).

25 (4) 18 Pa.C.S. § 2502(c).

26 (5) 18 Pa.C.S. § 2503 (relating to voluntary
27 manslaughter).

28 (6) 18 Pa.C.S. § 2506 (relating to drug delivery
29 resulting in death).

30 (7) 18 Pa.C.S. § 2507(c) or (d).

1 (8) 18 Pa.C.S. § 2701(a)(3) or (4) (relating to simple
2 assault).

3 (9) 18 Pa.C.S. § 2702(a)(1) or (2) (relating to
4 aggravated assault).

5 (10) 18 Pa.C.S. § 2702.1 (relating to assault of law
6 enforcement officer).

7 (11) 18 Pa.C.S. § 2901 (relating to kidnapping).

8 (12) 18 Pa.C.S. § 3121 (relating to rape).

9 (13) 18 Pa.C.S. § 3123 (relating to involuntary deviate
10 sexual intercourse).

11 (14) 18 Pa.C.S. § 3124.1 (relating to sexual assault).

12 (15) 18 Pa.C.S. § 3125 (relating to aggravated indecent
13 assault).

14 (16) 18 Pa.C.S. § 3301(a) (relating to arson and related
15 offenses).

16 (17) 18 Pa.C.S. § 3502 (relating to burglary), if at the
17 time of the offense the structure entered was adapted for
18 overnight accommodation.

19 (18) 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating
20 to robbery).

21 (19) 18 Pa.C.S. § 3702 (relating to robbery of motor
22 vehicle).

23 (20) 18 Pa.C.S. § 4302 (relating to incest).

24 (21) 18 Pa.C.S. § 4952 (relating to intimidation of
25 witnesses or victims), involving a witness to or a victim of
26 a violation of 18 Pa.C.S. § 2502 or 2507 or any of the
27 offenses under paragraph (1), (2), (3), (4), (5), (6), (7),
28 (8), (9), (10), (11), (12), (13), (14), (15), (16), (17),
29 (18), (19), (20), (22), (23) or (24) or a violation of
30 section 13(a)(30) of the act of April 14, 1972 (P.L.233,

1 No.64), known as The Controlled Substance, Drug, Device and
2 Cosmetic Act.

3 (22) 18 Pa.C.S. § 4953 (relating to retaliation against
4 witness, victim or party), involving a witness to, victim of
5 or party to a proceeding alleging a violation of 18 Pa.C.S. §
6 2502 or 2507 or any of the offenses under paragraph (1), (2),
7 (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13),
8 (14), (15), (16), (17), (18), (19), (20), (21), (23) or (24)
9 or a violation of section 13(a)(30) of The Controlled
10 Substance, Drug, Device and Cosmetic Act.

11 (23) A crime equivalent to one listed under paragraph
12 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11),
13 (12), (13), (14), (15), (16), (17), (18), (19), (20), (21) or
14 (22) under the laws of this Commonwealth in effect at the
15 time of the commission of the offense.

16 (24) A crime equivalent to one listed under paragraph
17 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11),
18 (12), (13), (14), (15), (16), (17), (18), (19), (20), (21) or
19 (22) under Federal law or in a jurisdiction outside this
20 Commonwealth.

21 Section 2. Section 6137(a)(3.1)(ii) and (k) of Title 61 is
22 amended and subsection (a) is amended by adding a paragraph to
23 read:

24 § 6137. Parole power.

25 (a) General criteria for parole.--

26 * * *

27 (1.1) The board may not release on parole any inmate
28 serving a sentence imposed under 42 Pa.C.S. § 9714(a)
29 (relating to sentences for second and subsequent offenses)
30 until the inmate has served at least 85% of the maximum

1 sentence as provided under 42 Pa.C.S. § 9714(a.1).

2 * * *

3 (3.1) * * *

4 (ii) This paragraph shall not apply to offenders who
5 are currently serving a term of imprisonment for a crime
6 of violence as defined in 42 Pa.C.S. § 9714 [(relating to
7 sentences for second and subsequent offenses)] or for a
8 crime requiring registration under 42 Pa.C.S. Ch. 97
9 Subch. H (relating to registration of sexual offenders).

10 * * *

11 (k) Definitions.--The following words and phrases shall have
12 the meanings given to them in this subsection unless the context
13 clearly indicates otherwise:

14 "Crime of violence." As defined in 42 Pa.C.S. § 9714(g)
15 [(relating to sentences for second and subsequent offenses)].

16 "Eligible offender." As defined in section 4503 (relating to
17 definitions).

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