

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1120 Session of 2024

INTRODUCED BY ROBINSON, LANGERHOLC, PENNYCUICK, DUSH AND MASTRIANO, MARCH 15, 2024

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, MARCH 19, 2024

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in bonds and
3 recognizances, providing for bail of persons posing threat to
4 public safety.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 5762. Bail of persons posing threat to public safety.

10 (a) Issuing authority release.--Notwithstanding any other
11 provision of rule or law, no issuing authority may permit the
12 release of a defendant on the defendant's own recognizance or
13 subject to an unsecured monetary condition of release if the
14 defendant is a person posing a threat to public safety.

15 (b) Arresting officer release.--An arresting officer may not
16 release a person from custody prior to taking the person without
17 unnecessary delay to appear before the issuing authority if the
18 arrest is of a person posing a threat to public safety.

19 (c) Denying bail.--Nothing in this section shall preclude

1 the issuing authority from denying bail and detaining a person
2 prior to trial if the issuing authority finds, substantially
3 more likely than not, that no condition or combination of
4 conditions of bail will reasonably ensure the safety of a person
5 or the community if the person is released on bail.

6 (d) Construction.--Nothing in this section shall be
7 construed to:

8 (1) Modify the presumption of innocence.

9 (2) Eliminate or limit the ability of an individual to
10 seek a bail modification hearing before the issuing authority
11 or a court of competent jurisdiction in accordance with any
12 other provision of law or rule of procedure.

13 (3) Limit an issuing authority from setting bail at a
14 secured amount or otherwise detaining a person subject to
15 arrest.

16 (e) Definitions.--As used in this section, the following
17 words and phrases shall have the meanings given to them in this
18 subsection unless the context clearly indicates otherwise:

19 "Person posing a threat to public safety." A person subject
20 to arrest who poses a threat to a victim, an individual or the
21 public at large. The term includes, but is not limited to, a
22 person to whom any of the following applies:

23 (1) THE PERSON IS CHARGED WITH COMMITTING A VIOLATION OF <--
24 18 PA.C.S. § 2702.1 (RELATING TO ASSAULT OF LAW ENFORCEMENT
25 OFFICER) OR 5104.2 (RELATING TO EVADING ARREST OR DETENTION
26 ON FOOT).

27 ~~(1)~~ (2) The person is charged with committing a crime of <--
28 violence as defined in section 9714(g) (relating to sentences
29 for second and subsequent offenses), and, within five years
30 prior to the arrest, excluding time spent confined to a State

1 or county correctional institution or juvenile detention
2 center, the person was:

3 (i) convicted of a crime of violence as defined in
4 section 9714(g); or

5 (ii) adjudicated delinquent by a court because of
6 conduct which, if committed by an adult, would constitute
7 a crime of violence as defined in section 9714(g).

8 ~~(2)~~ (3) The person is charged with committing a <--
9 violation of section 13(a)(30) of the act of April 14, 1972
10 (P.L.233, No.64), known as The Controlled Substance, Drug,
11 Device and Cosmetic Act, or an attempt, conspiracy or
12 solicitation to commit an offense under section 13(a)(30) of
13 The Controlled Substance, Drug, Device and Cosmetic Act, and
14 there is probable cause to believe that the substance weighs
15 10 grams or more and contains fentanyl, a fentanyl derivative
16 or carfentanil.

17 Section 2. This act shall take effect in 60 days.