
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 135 Session of
2023

INTRODUCED BY STREET, HUGHES, FONTANA, BARTOLOTTA, KEARNEY,
SCHWANK, COLLETT, CAPPELLETTI, TARTAGLIONE, L. WILLIAMS, KANE
AND SAVAL, JANUARY 31, 2023

REFERRED TO JUDICIARY, JANUARY 31, 2023

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 in miscellaneous provisions, establishing the Life with
9 Parole Reinvestment Fund; and, in Pennsylvania Board of
10 Probation and Parole, further providing for parole power.

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

13 Section 1. Section 1102.1(a), (b), (c)(1) and (d)
14 introductory paragraph of Title 18 of the Pennsylvania
15 Consolidated Statutes are amended and the section is amended by
16 adding a subsection to read:

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

20 (a) First degree murder.--[A] Except as provided under
21 subsection (a.1), a person who has been convicted after June 24,

1 2012, of a murder of the first degree[,] or first degree murder
2 of an unborn child [or murder of a law enforcement officer of
3 the first degree] and who was under the age of 18 at the time of
4 the commission of the offense shall be sentenced as follows:

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

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

15 (a.1) Law enforcement officers.--A person who has been
16 convicted of a murder of a law enforcement officer of the first
17 degree and who was under 18 years of age at the time of the
18 commission of the offense shall be sentenced as follows:

19 (1) A person who at the time of the commission of the
20 offense was 15 years of age or older shall be sentenced to a
21 term of life imprisonment without parole, or a term of
22 imprisonment, the minimum of which shall be at least 35 years
23 and the maximum of which shall be life imprisonment.

24 (2) A person who at the time of the commission of the
25 offense was under 15 years of age shall be sentenced to a
26 term of life imprisonment without parole, or a term of
27 imprisonment, the minimum of which shall be at least 25 years
28 and the maximum of which shall be life imprisonment.

29 (b) Notice.--Reasonable notice to the defendant of the
30 Commonwealth's intention to seek a sentence of life imprisonment

1 without parole under subsection (a) or (a.1) shall be provided
2 after conviction and before sentencing.

3 (c) Second degree murder.--A person who has been convicted
4 after June 24, 2012, of a murder of the second degree, second
5 degree murder of an unborn child or murder of a law enforcement
6 officer of the second degree and who was under the age of 18 at
7 the time of the commission of the offense shall be sentenced as
8 follows:

9 (1) A person who at the time of the commission of the
10 offense was [15] 25 years of age or older shall be sentenced
11 to a term of imprisonment the minimum of which shall be at
12 least 30 years to life.

13 * * *

14 (d) Findings.--In determining whether to impose a sentence
15 of life without parole under subsection (a) or (a.1), the court
16 shall consider and make findings on the record regarding the
17 following:

18 * * *

19 Section 2. Section 9714(a)(2) of Title 42 is amended to
20 read:

21 § 9714. Sentences for second and subsequent offenses.

22 (a) Mandatory sentence.--

23 * * *

24 (2) Where the person had at the time of the commission
25 of the current offense previously been convicted of two or
26 more such crimes of violence arising from separate criminal
27 transactions, the person shall be sentenced to a minimum
28 sentence of at least 25 years of total confinement,
29 notwithstanding any other provision of this title or other
30 statute to the contrary. Proof that the offender received

1 notice of or otherwise knew or should have known of the
2 penalties under this paragraph shall not be required. Upon
3 conviction for a third or subsequent crime of violence the
4 court may[, if it determines that 25 years of total
5 confinement is insufficient to protect the public safety,]
6 sentence the offender to a minimum sentence of at least 20
7 years of total confinement and a maximum sentence of life
8 imprisonment [without parole].

9 * * *

10 Section 3. Title 61 is amended by adding a section to read:
11 § 5908. Life with Parole Reinvestment Fund.

12 (a) Establishment.--The Life with Parole Reinvestment Fund
13 is established as a separate fund within the State Treasury to
14 provide funding for all of the following:

15 (1) Victim services.

16 (2) Offender reentry programs.

17 (3) The supervision of certain paroled offenders.

18 (b) Savings assessment.--In fiscal years 2023-2024 through
19 2026-2027, the Office of the Budget shall develop a formula to
20 calculate the amount of savings to the department in the prior
21 fiscal year as a result of the reduction in prison population
22 because of the paroling of offenders previously incarcerated for
23 life without parole under section 6137(a)(3)(ii) and (iii)
24 (relating to parole power).

25 (c) Appropriations.--In fiscal year 2023-2024 and each
26 fiscal year thereafter, the amount of savings calculated under
27 subsection (b) are appropriated to the fund.

28 (d) Transfers.--In fiscal year 2024-2025 and each fiscal
29 year thereafter, the money in the fund shall be transferred as
30 follows:

1 (1) Twenty-five percent to the Office of Victim Advocate
2 for victim services programs.

3 (2) Twenty-five percent to the board for supervision of
4 offenders under section 6137(a)(3)(ii) and (iii).

5 (3) Fifty percent to the Pennsylvania Commission on
6 Crime and Delinquency to provide grants for victim services
7 programs and reentry services.

8 (e) Definitions.--As used in this section, the term "fund"
9 means the Life with Parole Reinvestment Fund.

10 Section 4. Section 6137(a)(1) and (3) of Title 61 are
11 amended and the subsection is amended by adding a paragraph to
12 read:

13 § 6137. Parole power.

14 (a) General criteria for parole.--

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

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

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

29 * * *

30 (3) The power to parole granted under this section to

1 the board may not be exercised in the board's discretion at
2 any time before, but only after[, the]:

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

7 (ii) Notwithstanding 42 Pa.C.S. § 9757 (relating to
8 consecutive sentences of total confinement for multiple
9 offenses) and except for an offender sentenced to life
10 imprisonment under 42 Pa.C.S. § 9711 (relating to
11 sentencing procedure for murder of the first degree), 25
12 years after the date of incarceration which, in the case
13 of an offender sentenced to life imprisonment, shall
14 include any period of uninterrupted incarceration
15 occurring prior to trial.

16 (iii) Except as provided under paragraph (6) and
17 notwithstanding 42 Pa.C.S. § 9757, 35 years after the
18 date of incarceration which, in the case of an offender
19 sentenced to life imprisonment under 42 Pa.C.S. § 9711,
20 shall include any period of uninterrupted incarceration
21 occurring prior to trial.

22 (iv) Except as provided under paragraph (6), 35
23 years in the case of an offender sentenced under 18
24 Pa.C.S. § 1102.1(a)(1) (relating to sentence of persons
25 under the age of 18 for murder, murder of an unborn child
26 and murder of a law enforcement officer).

27 (v) Except as provided under paragraph (6) and
28 notwithstanding 42 Pa.C.S. § 9757, 25 years in the case
29 of an offender sentenced under 18 Pa.C.S. § 1102.1(a)(2).

30 (vi) Notwithstanding 42 Pa.C.S. § 9757, 25 years in

1 the case of an offender sentenced under 18 Pa.C.S. §
2 1102.1(c)(1).

3 (vii) Notwithstanding 42 Pa.C.S. § 9757, 20 years in
4 the case of an offender sentenced under 18 Pa.C.S. §
5 1102.1(c)(2).

6 * * *

7 (6) The board may not consider or grant parole to any
8 offender convicted of murdering a law enforcement officer of
9 the first degree and sentenced under 18 Pa.C.S. § 1102(a)
10 (relating to sentence for murder, murder of unborn child and
11 murder of law enforcement officer).

12 * * *

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