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A matter of life and death: Understanding the debate over second-degree murder sentencing in PA

City & State examines the ongoing debate over second-degree murder sentencing and what comes next as lawmakers struggle to reach a consensus on how to reform the state's felony sentencing statute.



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By JUSTIN SWEITZER | AUGUST 4, 2026

In March, the Pennsylvania Supreme Court issued a landmark ruling that found that sentencing rules for all second-degree murder convictions violate protections against cruel punishment in the [state constitution](#) – and tasked the General Assembly with fixing the law at the heart of the issue.

The [court ruling](#) came in response to a case known as Commonwealth v. Derek Lee, where Lee was charged with felony murder – also known as second-degree murder – in the 2014 killing of Leonard Butler in Pittsburgh's Elliot neighborhood.

The ruling has wide-ranging implications for second-degree murder sentences in Pennsylvania, and has sparked a spirited debate between Democrats and Republicans in the General Assembly. Below, City & State looks at the ongoing debate over second-degree murder sentencing – and what comes next, as lawmakers struggle to reach a consensus on how to reform the state's felony sentencing statute.

The crime

On Oct. 14, 2014, two armed men – Lee and Paul Durham – entered the Pittsburgh home of Leonard Butler and Tina Chapple, guiding the couple into the basement, where they demanded that Butler and Chapple give up their money.

Lee reportedly pistol-whipped Butler during the course of the robbery and took his watch before heading upstairs. Durham remained with the couple, and later fought with Butler over the gun; a shot was fired during the struggle that ultimately killed Butler.



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sentenced to a term of life imprisonment.”

The case considered by the state’s high court centered around an appeal from Lee, which argued that his mandatory sentence of life in prison without parole for second-degree murder amounts to “cruel punishment” and violates the Eighth Amendment of the U.S. Constitution, as well as Article I, Section 13 of the Pennsylvania Constitution.

The court ruling

In Pennsylvania, a homicide is considered [second-degree murder](#) when it is committed during the course of a felony, including robbery, rape, arson or kidnapping. The charge can be levied against both principals and accomplices, regardless of whether there was an intent to kill.

On March 26, 2026, the Pennsylvania Supreme Court found that “a mandatory life without parole sentence for all felony murder convictions, absent an assessment of culpability, is inconsistent with the protections bestowed upon our citizens under the ‘cruel punishments’ clause” of the state constitution. That clause states that “excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.”

The majority opinion, written by Chief Justice Debra Todd, argued that a mandatory sentence of life in prison without parole that lacks an individualized assessment of a person’s culpability “prevents the sentencer from considering whether this harshest of sentences proportionately punishes the offender.”

“Ultimately, we find that the mandatory sentencing scheme for second degree murder poses too great a risk of disproportionate punishment, and, thus, find it to be cruel,” Todd wrote.

“The main point of their opinion was based on the fact that, under the present statute, the court does not examine the culpability of the actors who may have been involved in the homicide,” Berks County District Attorney John Adams told City & State in an interview.

The state’s high court vacated Lee’s sentence and called for him to be resentenced for his crimes. The court also stayed its order for 120 days, giving lawmakers in the General Assembly several months to reform the state’s felony murder sentencing rules.

The policy debate

The issue of how to respond to the court’s ruling spurred a debate between state lawmakers this month as the court’s July 24 deadline came and went without a solution.

On June 25, the GOP-controlled state Senate passed [Senate Bill 1400](#), which would impose a minimum sentence of 35 years in prison for individuals convicted of second-degree murder, while giving certain defendants the chance to have their sentences reduced. The legislation would also provide parole opportunities for qualifying offenders who have served at least 35 years of their sentence, as well as those who are above the age of 70 who have served at least 20 years.

The [proposal](#), sponsored by state Sen. Lisa Baker, has the support of Pennsylvania Attorney General Dave Sunday, the Pennsylvania District Attorneys Association and other law enforcement organizations – and still awaits a vote in the state House. The Senate also advanced another bill addressing second-degree murder sentencing, House Bill 1042, on July 12.

However, the Democratic-controlled House opted not to advance SB 1400 when it returned to session on July 23. Instead, the chamber passed an amended version of [House Bill 1042](#) that, among other things, tasks the Pennsylvania Commission on Sentencing with setting guidelines for second-degree murder sentences and would expand [Pennsylvania’s medical release program](#) for inmates with health issues – both of which SB 1400 does not do. That bill, approved with a [102-100 vote](#), was sent back to the Senate for consideration.



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that will give violent second-degree murder convicts an immediate opportunity for release.”

Democrats viewed the situation a bit differently. House Speaker Joanna McClinton said in a statement following the House vote that the Pennsylvania Supreme Court’s ruling “provided an opportunity to address years of inequity and rethink reform.” McClinton said House Bill 1042 “fulfills the court’s directive by ensuring that individuals are held accountable in a manner that reflects their level of responsibility for a crime.”

“It also demonstrates our commitment to protecting Pennsylvanians by giving a voice to victims, reducing recidivism through expanded educational opportunities in our correctional institutions, and strengthening compassionate release, a reform that will save the commonwealth millions of dollars without compromising public safety,” she added.

The future

The General Assembly’s inability to agree on a legislative fix by the Supreme Court’s July 24 deadline leaves the state in limbo, according to Adams, who serves as the communications chair for the Pennsylvania District Attorneys Association.

“It leaves us in ... I will call it a position of flux,” Adams said. He added that the state’s district attorneys “anticipate many of the 1,100 individuals who are serving life sentences for second-degree murder will be filing petitions to be resentenced,” noting that the court did not say whether its ruling should be applied retroactively to those already sentenced.

“The issue of retroactivity was not addressed by the Supreme Court in *Commonwealth v. Lee*,” he said. “Since the legislature has not acted, I believe that district attorneys across the state will not concede retroactivity at this point without a new second-degree murder statute. We are hoping that the legislature acts because at this point we do expect to receive petitions.”

“We’re just in a kind of a wait-and-see situation – and it’s concerning to us.”

Bryan Widenhouse, the state legislative affairs manager for FAMM, an organization that advocates against mandatory minimum sentencing laws, pushed back on claims from lawmakers that the lack of a legislative fix would result in a mass release of convicted murderers from prison.

“It certainly doesn’t open the floodgates,” said Widenhouse, who served 31 years in prison after being sentenced to life without parole – before being granted parole after the U.S. Supreme Court outlawed such sentences for juveniles. “We’re creating a mechanism of review here, not a mechanism of release. So whether it’s the parole board or the court, they’re going to review these cases, and they’re only going to release those who should be released that don’t pose any threat to public safety.”

Both Adams and Widenhouse said that the lack of an updated, clearly defined statute could create a patchwork of resentencing results, further necessitating a uniform fix to state law.

“In some cases, the district attorneys and judges might say, ‘Yep, we agree. We’re going to resentence you,’” Widenhouse said. “And they give them a resentence. In some cases, district attorneys and judges are going to fight it, and they might say, ‘Hey, nobody has answered the question of retroactivity yet.’”

Adams made a similar point. “Without a legislative fix, the disparity in resources from county to county will produce the ‘justice by geography’ outcome,” he said. “This is why it is very concerning to all of us, because what could happen in Philly versus what could happen in my county or many other counties could be astronomically different.”

On July 31, the state Supreme Court denied a request from Allegheny County District Attorney Stephen Zappala Jr. to extend the court’s stay by an additional 120 days.



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day before the Supreme Court deadline was disingenuous at best,” Pittman said. “We are always willing to have conversations about meaningful legislation to keep our communities safer, but we will not entertain watered-down bills pushed for by House Democrats that even further expand the ability for serious criminals to get out of jail through such processes as medical parole.”

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