

OUR OPINION

## Our opinion: Missed deadline on murder sentencing fix inexcusable

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Missed deadlines are nothing new for the Pennsylvania General Assembly.

But missing a court's deadline to rewrite sentencing laws for those convicted of second-degree murder is a bridge too far, even for Pennsylvania lawmakers.

In *Commonwealth v. Lee*, the state Supreme Court struck down mandatory life sentences for people convicted of second-degree murder as unconstitutional under the state constitution. The ruling stems from the conviction of Derek Lee, who is serving a mandatory life sentence for the death of a man in a 2014 home invasion in Pittsburgh. Attorneys for Lee argued that he had no intention of killing the victim and was in a different room when the fatal shooting occurred. The court stayed its ruling for 120 days to allow the state Legislature to rewrite state law.

That 120-day window came and went July 24 with no agreement between Republicans and Democrats on a solution. We'll give Republicans credit here – they passed Senate Bill 1400 in late June with a proposed fix that, in our opinion, seems pretty fair. Senate Bill 1400 imposes a mandatory sentence of 35 years but includes the option of lesser terms based on the accused's participation in the crime. Democrats waited, and waited, and waited, and waited and then waited some more before finally passing their own bill, House Bill 1042, that does not establish a set minimum sentence for individuals convicted of second-degree murder, preserves life without parole as a maximum, but asks the Pennsylvania Commission on Sentencing to establish guidelines the courts can use going forward, creates parole eligibility after 30 years for people already serving a life sentence and creates medical parole for incarcerated people who have a life-threatening illness and need to leave prison to seek treatment.

Of course, the bills are so different that there needs to be negotiations to bridge the gap. Those talks are expected to resume in September.

Both parties should take some blame for their intransigence. But in our opinion much of this blame falls on Democrats in the state House of Representatives. Senate Bill 1400 was passed with a month left to take action before the court's July 24 deadline. We don't expect immediate agreement, but Democrats chose to play the game of politics by delaying a vote in the House until the absolute last minute.

Now, hundreds of second-degree murder sentences are left in legal limbo while lawmakers are enjoying a late-summer siesta.