

---

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 293 Session of  
2015

---

INTRODUCED BY DeLUCA, BAKER, THOMAS, TOEPEL, MILLARD, D. COSTA,  
HEFFLEY, McNEILL, MATZIE, MURT, GOODMAN, GIBBONS AND GILLEN,  
FEBRUARY 2, 2015

---

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 2, 2015

---

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 general criteria  
6 for parole.

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

9 Section 1. Section 9714(g) of Title 42 of the Pennsylvania  
10 Consolidated Statutes, amended February 25, 2014 (P.L.33,  
11 No.16), is amended and the section is amended by adding a  
12 subsection to read:

13 § 9714. Sentences for second and subsequent offenses.

14 \* \* \*

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

18 \* \* \*

19 (g) Definition.--[As used in this section, the term "crime

1 of violence" means murder of the third degree, voluntary  
2 manslaughter, manslaughter of a law enforcement officer as  
3 defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal  
4 homicide of law enforcement officer), murder of the third degree  
5 involving an unborn child as defined in 18 Pa.C.S. § 2604(c)  
6 (relating to murder of unborn child), aggravated assault of an  
7 unborn child as defined in 18 Pa.C.S. § 2606 (relating to  
8 aggravated assault of unborn child), aggravated assault as  
9 defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to  
10 aggravated assault), assault of law enforcement officer as  
11 defined in 18 Pa.C.S. § 2702.1 (relating to assault of law  
12 enforcement officer), use of weapons of mass destruction as  
13 defined in 18 Pa.C.S. § 2716(b) (relating to weapons of mass  
14 destruction), terrorism as defined in 18 Pa.C.S. § 2717(b)(2)  
15 (relating to terrorism), trafficking of persons when the offense  
16 is graded as a felony of the first degree as provided in 18  
17 Pa.C.S. § 3002 (relating to trafficking of persons), 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 (19.1), (19.2) or (19.3).

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 (19.1), (19.2) or (19.3).

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), (19.1), (19.2) or  
25 (19.3).

26 (4) 18 Pa.C.S. § 2502(c).

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

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

- 1           (7) 18 Pa.C.S. § 2507(c) or (d).
- 2           (8) 18 Pa.C.S. § 2701(a)(3) or (4) (relating to simple  
3 assault).
- 4           (9) 18 Pa.C.S. § 2702(a)(1) or (2) (relating to  
5 aggravated assault).
- 6           (10) 18 Pa.C.S. § 2702.1 (relating to assault of law  
7 enforcement officer).
- 8           (11) 18 Pa.C.S. § 2901 (relating to kidnapping).
- 9           (12) 18 Pa.C.S. § 3121 (relating to rape).
- 10           (13) 18 Pa.C.S. § 3123 (relating to involuntary deviate  
11 sexual intercourse).
- 12           (14) 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- 13           (15) 18 Pa.C.S. § 3125 (relating to aggravated indecent  
14 assault).
- 15           (16) 18 Pa.C.S. § 3301(a) (relating to arson and related  
16 offenses).
- 17           (17) 18 Pa.C.S. § 3502 (relating to burglary), if at the  
18 time of the offense the structure entered was adapted for  
19 overnight accommodation.
- 20           (18) 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating  
21 to robbery).
- 22           (19) 18 Pa.C.S. § 3702 (relating to robbery of motor  
23 vehicle).
- 24           (19.1) 18 Pa.C.S. § 4302 (relating to incest).
- 25           (19.2) 18 Pa.C.S. § 4952 (relating to intimidation of  
26 witnesses or victims), involving a witness to or a victim of  
27 a violation of 18 Pa.C.S. § 2502 or 2507 or any of the  
28 offenses under paragraph (1), (2), (3), (4), (5), (6), (7),  
29 (8), (9), (10), (11), (12), (13), (14), (15), (16), (17),  
30 (18), (19), (19.1), (19.3), (20) or (21) or a violation of

1 section 13(a) (30) of the act of April 14, 1972 (P.L.233,  
2 No.64), known as The Controlled Substance, Drug, Device and  
3 Cosmetic Act.

4 (19.3) 18 Pa.C.S. § 4953 (relating to retaliation  
5 against witness, victim or party), involving a witness to,  
6 victim of or party to a proceeding alleging a violation of 18  
7 Pa.C.S. § 2502 or 2507 or any of the offenses under paragraph  
8 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11),  
9 (12), (13), (14), (15), (16), (17), (18), (19), (19.1),  
10 (19.2), (20) or (21) or a violation of section 13(a) (30) of  
11 The Controlled Substance, Drug, Device and Cosmetic Act.

12 (20) A crime equivalent to one listed under paragraph  
13 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11),  
14 (12), (13), (14), (15), (16), (17), (18), (19), (19.1),  
15 (19.2) or (19.3) under the laws of this Commonwealth in  
16 effect at the time of the commission of the offense.

17 (21) A crime equivalent to one listed under paragraph  
18 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11),  
19 (12), (13), (14), (15), (16), (17), (18), (19), (19.1),  
20 (19.2) or (19.3) under Federal law or in a jurisdiction  
21 outside this Commonwealth.

22 Section 2. Section 6137(a) of Title 61 is amended by adding  
23 a paragraph to 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 Section 3. This act shall take effect in 60 days.