
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1689 Session of
2023

INTRODUCED BY KHAN, DAWKINS, KRAJEWSKI, HANBIDGE, SANCHEZ,
KINSEY, KAZEEM, HILL-EVANS, SCHLOSSBERG, SAPPEY, MADDEN,
SHUSTERMAN, STEELE, HOHENSTEIN, PARKER, SMITH-WADE-EL,
N. NELSON, WAXMAN, WARREN AND SCOTT, SEPTEMBER 21, 2023

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 21, 2023

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in culpability, further providing for general
4 requirements of culpability; and, in sentencing, further
5 providing for sentencing generally.

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

8 Section 1. Section 302(b) of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 302. General requirements of culpability.

11 * * *

12 (b) Kinds of culpability defined.--

13 (1) [A] Subject to paragraph (1.1), a person acts
14 intentionally with respect to a material element of an
15 offense when:

16 (i) if the element involves the nature of [his] the
17 person's conduct or a result thereof, it is [his] the
18 person's conscious object to engage in conduct of that

1 nature or to cause such a result; and

2 (ii) if the element involves the attendant
3 circumstances, [he] the person is aware of the existence
4 of such circumstances or [he] the person believes or
5 hopes that they exist.

6 (1.1) In determining whether a person who was under 25
7 years of age at the time of the offense acted intentionally
8 with respect to a material element of an offense, the court
9 shall consider the person's mental capacity and maturity and
10 the impact that the ongoing development of the person's brain
11 may have had on the person's decision to act.

12 (2) [A] Subject to paragraph (2.1), a person acts
13 knowingly with respect to a material element of an offense
14 when:

15 (i) if the element involves the nature of [his] the
16 person's conduct or the attendant circumstances, [he] the
17 person is aware that [his] the person's conduct is of
18 that nature or that such circumstances exist; and

19 (ii) if the element involves a result of [his] the
20 person's conduct, [he] the person is aware that it is
21 practically certain that [his] the person's conduct will
22 cause such a result.

23 (2.1) In determining whether a person who was under 25
24 years of age at the time of the offense acted knowingly with
25 respect to a material element of an offense, the court shall
26 consider the person's mental capacity and maturity and the
27 impact that the ongoing development of the person's brain may
28 have had on the person's decision to act.

29 (3) A person acts recklessly with respect to a material
30 element of an offense when [he] the person consciously

1 disregards a substantial and unjustifiable risk that the
2 material element exists or will result from [his conduct.]
3 the person's conduct. The following apply:

4 (i) The risk must be of such a nature and degree
5 that, considering the nature and intent of the actor's
6 conduct and the circumstances known to [him] the actor,
7 its disregard involves a gross deviation from the
8 standard of conduct that a reasonable person would
9 observe in the actor's situation.

10 (ii) In determining whether a person who was under
11 25 years of age at the time of the offense acted
12 recklessly with respect to a material element of an
13 offense, the court shall consider the person's mental
14 capacity and maturity and the impact that the ongoing
15 development of the person's brain may have had on the
16 person's decision to disregard a substantial and
17 unjustifiable risk.

18 (4) A person acts negligently with respect to a material
19 element of an offense when [he] the person should be aware of
20 a substantial and unjustifiable risk that the material
21 element exists or will result from [his conduct.] the
22 person's conduct. The following apply:

23 (i) The risk must be of such a nature and degree
24 that the actor's failure to perceive it, considering the
25 nature and intent of [his] the actor's conduct and the
26 circumstances known to [him] the actor, involves a gross
27 deviation from the standard of care that a reasonable
28 person would observe in the actor's situation.

29 (ii) In determining whether a person who was under
30 25 years of age at the time of the offense acted

1 negligently with respect to a material element of an
2 offense, the court shall consider the person's mental
3 capacity and maturity and the impact that the ongoing
4 development of the person's brain may have had on the
5 person not being aware of a substantial and unjustifiable
6 risk.

7 * * *

8 Section 2. Section 9721 of Title 42 is amended by adding a
9 subsection to read:

10 § 9721. Sentencing generally.

11 * * *

12 (b.1) Persons under 25 years of age.--In sentencing a person
13 who was under 25 years of age at the time of the commission of
14 an offense, the court shall consider the person's mental
15 capacity and maturity and the impact that the ongoing
16 development of the person's brain may have had on the person's
17 commission of the offense.

18 * * *

19 Section 3. This act shall take effect in 60 days.