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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 236 Session of  
2013

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INTRODUCED BY DELUCA, STEPHENS, C. HARRIS, NEILSON, MILLARD,  
SIMMONS, D. COSTA, GOODMAN, KORTZ, GIBBONS, MILNE,  
CALTAGIRONE, MATZIE AND MURT, JANUARY 22, 2013

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 22, 2013

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AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 61  
2 (Prisons and Parole) of the Pennsylvania Consolidated  
3 Statutes, further providing for sentences for second and  
4 subsequent offenses and for general criteria for parole.

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

7 Section 1. Section 9714(g) of Title 42 of the Pennsylvania  
8 Consolidated Statutes, amended October 25, 2012 (P.L. ,  
9 No.204), is amended and the section is amended by adding a  
10 subsection to read:

11 § 9714. Sentences for second and subsequent offenses.

12 \* \* \*

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

16 \* \* \*

17 (g) Definition.--[As used in this section, the term "crime  
18 of violence" means murder of the third degree, voluntary

1 manslaughter, manslaughter of a law enforcement officer as  
2 defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal  
3 homicide of law enforcement officer), murder of the third degree  
4 involving an unborn child as defined in 18 Pa.C.S. § 2604(c)  
5 (relating to murder of unborn child), aggravated assault of an  
6 unborn child as defined in 18 Pa.C.S. § 2606 (relating to  
7 aggravated assault of unborn child), aggravated assault as  
8 defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to  
9 aggravated assault), assault of law enforcement officer as  
10 defined in 18 Pa.C.S. § 2702.1 (relating to assault of law  
11 enforcement officer), use of weapons of mass destruction as  
12 defined in 18 Pa.C.S. § 2716(b) (relating to weapons of mass  
13 destruction), terrorism as defined in 18 Pa.C.S. § 2717(b)(2)  
14 (relating to terrorism), trafficking of persons when the offense  
15 is graded as a felony of the first degree as provided in 18  
16 Pa.C.S. § 3002 (relating to trafficking of persons), rape,  
17 involuntary deviate sexual intercourse, aggravated indecent  
18 assault, incest, sexual assault, arson as defined in 18 Pa.C.S.  
19 § 3301(a) (relating to arson and related offenses), ecoterrorism  
20 as classified in 18 Pa.C.S. § 3311(b)(3) (relating to  
21 ecoterrorism), kidnapping, burglary as defined in 18 Pa.C.S. §  
22 3502(a)(1) (relating to burglary), robbery as defined in 18  
23 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), or  
24 robbery of a motor vehicle, drug delivery resulting in death as  
25 defined in 18 Pa.C.S. § 2506(a) (relating to drug delivery  
26 resulting in death), or criminal attempt, criminal conspiracy or  
27 criminal solicitation to commit murder or any of the offenses  
28 listed above, or an equivalent crime under the laws of this  
29 Commonwealth in effect at the time of the commission of that  
30 offense or an equivalent crime in another jurisdiction.] As used

1 in this section, the following words and phrases shall have the  
2 meanings given to them in this subsection unless the context  
3 clearly indicates otherwise:

4 "Crimes of violence." An offense under any of the following:

5 (1) 18 Pa.C.S. § 901 (relating to criminal attempt),  
6 involving an attempt to commit an offense under 18 Pa.C.S. §  
7 2502(a) or (b) (relating to murder), 2507(a) or (b) (relating  
8 to criminal homicide of law enforcement officer) or any of  
9 the offenses under paragraph (4), (5), (6), (7), (8), (9),  
10 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19),  
11 (19.1), (19.2) or (19.3).

12 (2) 18 Pa.C.S. § 902 (relating to criminal  
13 solicitation), involving solicitation to commit an offense  
14 under 18 Pa.C.S. § 2502(a) or (b), 2507(a) or (b) or any of  
15 the offenses under paragraph (4), (5), (6), (7), (8), (9),  
16 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19),  
17 (19.1), (19.2) or (19.3).

18 (3) 18 Pa.C.S. § 903 (relating to criminal conspiracy),  
19 involving conspiracy to commit an offense under 18 Pa.C.S. §  
20 2502(a) or (b), 2507(a) or (b) or any of the offenses under  
21 paragraph (4), (5), (6), (7), (8), (9), (10), (11), (12),  
22 (13), (14), (15), (16), (17), (18), (19), (19.1), (19.2) or  
23 (19.3).

24 (4) 18 Pa.C.S. § 2502(c).

25 (5) 18 Pa.C.S. § 2503 (relating to voluntary  
26 manslaughter).

27 (6) 18 Pa.C.S. § 2506 (relating to drug delivery  
28 resulting in death).

29 (7) 18 Pa.C.S. § 2507(c) or (d).

30 (8) 18 Pa.C.S. § 2701(a) (3) or (4) (relating to simple

1 assault).

2 (9) 18 Pa.C.S. § 2702(a)(1) or (2) (relating to  
3 aggravated assault).

4 (10) 18 Pa.C.S. § 2702.1 (relating to assault of law  
5 enforcement officer).

6 (11) 18 Pa.C.S. § 2901 (relating to kidnapping).

7 (12) 18 Pa.C.S. § 3121 (relating to rape).

8 (13) 18 Pa.C.S. § 3123 (relating to involuntary deviate  
9 sexual intercourse).

10 (14) 18 Pa.C.S. § 3124.1 (relating to sexual assault).

11 (15) 18 Pa.C.S. § 3125 (relating to aggravated indecent  
12 assault).

13 (16) 18 Pa.C.S. § 3301(a) (relating to arson and related  
14 offenses).

15 (17) 18 Pa.C.S. § 3502 (relating to burglary), if at the  
16 time of the offense the structure entered was adapted for  
17 overnight accommodation.

18 (18) 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating  
19 to robbery).

20 (19) 18 Pa.C.S. § 3702 (relating to robbery of motor  
21 vehicle).

22 (19.1) 18 Pa.C.S. § 4302 (relating to incest).

23 (19.2) 18 Pa.C.S. § 4952 (relating to intimidation of  
24 witnesses or victims), involving a witness to or a victim of  
25 a violation of 18 Pa.C.S. § 2502 or 2507 or any of the  
26 offenses under paragraph (1), (2), (3), (4), (5), (6), (7),  
27 (8), (9), (10), (11), (12), (13), (14), (15), (16), (17),  
28 (18), (19), (19.1), (19.3), (20) or (21) or a violation of  
29 section 13(a)(30) of the act of April 14, 1972 (P.L.233,  
30 No.64), known as The Controlled Substance, Drug, Device and

1 Cosmetic Act.

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

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

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

20 Section 2. Section 6137(a) of Title 61 is amended by adding  
21 a paragraph to read:

22 § 6137. Parole power.

23 (a) General criteria for parole.--

24 \* \* \*

25 (1.1) The board may not release on parole any inmate  
26 serving a sentence imposed under 42 Pa.C.S. § 9714(a)  
27 (relating to sentences for second and subsequent offenses)  
28 until he has served at least 85% of the maximum sentence as  
29 provided under 42 Pa.C.S. § 9714(a.1).

30 \* \* \*

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