
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1147 Session of
2015

INTRODUCED BY KITCHEN, SCHWANK, HAYWOOD, LEACH, SABATINA AND
HUGHES, MARCH 4, 2016

REFERRED TO JUDICIARY, MARCH 4, 2016

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in authorized disposition of
3 offenders, further providing for sentence of persons under
4 the age of 18 for murder, murder of an unborn child and
5 murder of a law enforcement officer.

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

8 Section 1. Section 1102.1 of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 1102.1. Sentence of persons under the age of 18 for murder,
11 murder of an unborn child and murder of a law
12 enforcement officer.

13 (a) First degree murder.--A person who has been convicted
14 [after June 24, 2012,] of a murder of the first degree, first
15 degree murder of an unborn child or murder of a law enforcement
16 officer of the first degree and who was under the age of 18 at
17 the time of the commission of the offense shall be sentenced as
18 follows:

19 (1) A person who at the time of the commission of the

1 offense was 15 years of age or older shall be sentenced to [a
2 term of life imprisonment without parole, or] a term of
3 imprisonment, [the minimum of which shall be at least 35
4 years to life] the maximum of which shall be no more than 45
5 years.

6 (2) A person who at the time of the commission of the
7 offense was under 15 years of age shall be sentenced to [a
8 term of life imprisonment without parole, or] a term of
9 imprisonment, [the minimum of which shall be at least 25
10 years to life] the maximum of which shall be no more than 35
11 years.

12 [(b) Notice.--Reasonable notice to the defendant of the
13 Commonwealth's intention to seek a sentence of life imprisonment
14 without parole under subsection (a) shall be provided after
15 conviction and before sentencing.]

16 (c) Second degree murder.--A person who has been convicted
17 after June 24, 2012, of a murder of the second degree, second
18 degree murder of an unborn child or murder of a law enforcement
19 officer of the second degree and who was under the age of 18 at
20 the time of the commission of the offense shall be sentenced as
21 follows:

22 (1) A person who at the time of the commission of the
23 offense was 15 years of age or older shall be sentenced to a
24 term of imprisonment [the minimum of which shall be at least
25 30 years to life], the maximum of which shall be no more than
26 40 years.

27 (2) A person who at the time of the commission of the
28 offense was under 15 years of age shall be sentenced to a
29 term of imprisonment [the minimum of which shall be at least
30 20 years to life], the maximum of which shall be no more than

1 30 years.

2 [(d) Findings.--In determining whether to impose a sentence
3 of life without parole under subsection (a), the court shall
4 consider and make findings on the record regarding the
5 following:

6 (1) The impact of the offense on each victim, including
7 oral and written victim impact statements made or submitted
8 by family members of the victim detailing the physical,
9 psychological and economic effects of the crime on the victim
10 and the victim's family. A victim impact statement may
11 include comment on the sentence of the defendant.

12 (2) The impact of the offense on the community.

13 (3) The threat to the safety of the public or any
14 individual posed by the defendant.

15 (4) The nature and circumstances of the offense
16 committed by the defendant.

17 (5) The degree of the defendant's culpability.

18 (6) Guidelines for sentencing and resentencing adopted
19 by the Pennsylvania Commission on Sentencing.

20 (7) Age-related characteristics of the defendant,
21 including:

22 (i) Age.

23 (ii) Mental capacity.

24 (iii) Maturity.

25 (iv) The degree of criminal sophistication exhibited
26 by the defendant.

27 (v) The nature and extent of any prior delinquent or
28 criminal history, including the success or failure of any
29 previous attempts by the court to rehabilitate the
30 defendant.

1 (vi) Probation or institutional reports.

2 (vii) Other relevant factors.

3 (e) Minimum sentence.--Nothing under this section shall
4 prevent the sentencing court from imposing a minimum sentence
5 greater than that provided in this section. Sentencing
6 guidelines promulgated by the Pennsylvania Commission on
7 Sentencing may not supersede the mandatory minimum sentences
8 provided under this section.]

9 (f) Appeal by Commonwealth.--If a sentencing court refuses
10 to apply this section where applicable, the Commonwealth shall
11 have the right to appellate review of the action of the
12 sentencing court. The appellate court shall vacate the sentence
13 and remand the case to the sentencing court for imposition of a
14 sentence in accordance with this section if it finds that the
15 sentence was imposed in violation of this section.

16 Section 2. This act shall take effect immediately.