

## LEGISLATIVE REPORT

**Legend:**    SB        Senate Bill        \*SR        Senate Resolution  
                   HB        House Bill        \*HR        House Resolution  
                   PN        Printer's No.

### DEATH PENALTY

BILL ID	DESCRIPTION	KEY SPONSORS	BILL STATUS
HB 1410 PN 1699	Prohibits the imposition of the death sentence in cases where the defendant is mentally retarded.	Manderino (D-Montgomery), Fairchild (R-Snyder)	Referred to Judiciary, 4/20/05.
SB 562 PN 594	An Act to establish the Capital Case Representation Resource Center of Pennsylvania for capital offense litigation. The Center would track all capital cases through trial, recruit qualified lawyers to represent capital cases and coordinate educational materials.	Greenleaf (R-Montgomery), Lemmond (R-Luzerne), O'Pake (D-Berks)	Referred to Judiciary, 3/21/05.
HB 1399 PN 1687	Legislation that prohibits a sentence of death to be imposed on a defendant who was under the age of 18 at the time of the crime.	O'Brien (R-Philadelphia), Belfanti (D-Columbia)	Referred to Judiciary, 4/14/05.
SB 631 PN 745	This bill would amend Title 42 to prohibit the imposition of the death sentence in cases in which the petitioner is a person with mental retardation.	White (R-Butler), Kitchen (D-Philadelphia), Costa (D-Allegheny)	Referred to Judiciary, 4/25/05.
HB 698 PN 791	This legislation further provides for jurisdiction and proceedings for relief and order and for sentencing procedure for murder of the first degree; and providing for cases in which the petitioner is a person with mental retardation.	O'Brien (R-Philadelphia), Bebko-Jones (D-Erie), Belfanti (D-Columbia)	Second Consideration 3/7/06. Re-referred to Appropriations Committee 3/7/06.
HB 2467 PN 3716	Legislation proposed to amend Title 18 and 42 of the Pennsylvania Consolidated Statutes. Amendments to Title 18 allow persons convicted of first degree murder of a law enforcement officer to be sentenced to death and persons convicted of second degree murder of a	O'Brien (R-Philadelphia), Gingrich (R-Lebanon), Godshall (R-Montgomery),	Referred to Judiciary Committee, 3/6/06. Laid on the table 3/7/06.

<b>BILL ID</b>	<b>DESCRIPTION</b>	<b>KEY SPONSORS</b>	<b>BILL STATUS</b>
	law enforcement officer to be sentenced to life imprisonment. Proposed amendments to Title 42 include mandatory minimum sentencing of life in prison for persons convicted of first or second-degree murder of a law enforcement officer.	Saylor (R-York)	

### **SENTENCING AND PENALTIES, PRE- AND POST-CONVICTION**

<b>BILL ID</b>	<b>DESCRIPTION</b>	<b>KEY SPONSORS</b>	<b>BILL STATUS</b>
SB 386 PN 1058	Calls for amendments to Title 18 of the Pennsylvania Consolidated Statutes. This legislation includes additional definitions for the crime of burglary and clarifies offenses eligible and ineligible for criminal history record expungement.	Costa (D-Allegheny), Logan (D- Allegheny), Pippy (R- Allegheny and Washington)	Final passage, 7/2/05 (198-0) In the Senate. Referred to Rules and Executive Nominations, 7/3/05.
HB 2501 PN 3675	Legislation proposes to amend Title 18 of the Pennsylvania Consolidated Statutes by increasing the maximum allowable sentence for a felony of the first degree to 30 years, and for a felony of the second degree to 15 years.	Reichly (R-Berks and Lehigh), Baker (R-Bradford), Belfanti (D-Columbia)	Referred to Judiciary Committee, 3/13/06.
HB 2328 PN 3624	Calls to amend Titles 18 and 42 of the Pennsylvania Consolidated Statutes. Proposes amendments to Title 18 include an increase in the allowable fines imposed on persons convicted of certain offenses or gradations of offenses. Proposed amendments to Title 42 would require the adoption of fine guidelines to be considered in sentencing.	O'Brien (R-Philadelphia), Adolph (R-Delaware), Bunt (R-Montgomery), Goodman (D-Schuylkill)	Referred to Judiciary Committee, 3/6/06. Laid on table, 3/7/06.
HB 1884 PN 2575	This bill would require arresting officers to forward the names of those arrested for possession or distribution of marijuana and hashish to a newspaper of general circulation in the community of the person's residence for publishing.	DeLuca (D-Allegheny)	Introduced in the House, 7/13/05.
HR 204 PN 1307	Urges the United States Congress to repeal mandatory minimum sentencing that is to the disproportionate detriment of the African American community. Calls for the prompt modification of Federal Sentencing Guidelines.	James (D-Philadelphia), Dewese (D-Greene), Leh (R-Berks)	Referred to Judiciary, 3/29/05.

## MEDICAL AND MENTAL HEALTH RELATED, INCLUDING COMPASSIONATE RELEASE

BILL ID	DESCRIPTION	KEY SPONSORS	BILL STATUS
SB 1072 PN 1446	This legislation amends Title 42 to provide for the medical release of inmates who are seriously or terminally ill. It would provide for a process involving an initial petition, needs assessment, notification of entities including the victim of the crime for which the candidate was incarcerated, and hearings. Inmates who are sentenced to death would not be eligible for medical release under this legislation.	Greenleaf (R-Montgomery), Lemmond (R-Luzerne), Costa (D-Allegheny)	Referred to Judiciary, 1/24/06.
SB 506 PN 1487	Alters Title 61, which governs penal and correctional institutions, with added definitions and provisions for state and county correctional institutions regarding inmate labor, medical services, visitation, executions and probation and parole generally.	Greenleaf (R-Montgomery), Costa (D-Allegheny), O'Pake (D-Berks)	Referred to Judiciary, 3/29/05. Re-referred to Appropriations, 2/6/06.
SR 36 PN 474	This resolution calls for a directive to the Joint State Government Commission to establish a task force to study the issues concerning the availability and accessibility of intensive and appropriate community services and supports for persons with serious mental illness, addictive disorders and co-occurring mental illness and substance use disorders; and the relationship to incarceration and homelessness.	Orie (R- Allegheny), Kitchen (D-Philadelphia), Vance (R-Cumberland and York)	Referred to Public Health And Welfare, 3/23/05.

## TRIAL PROCESS, THE COURTS, AND LAW ENFORCEMENT

BILL ID	DESCRIPTION	KEY SPONSORS	BILL STATUS
HB 1233 PN 1446	This legislation provides for the establishment of county mental health courts and calls for additional services including special mental health training for law enforcement and judicial personnel, case management, and continued supervision of a treatment plan while the individual is on parole or probation.	Leach (D-Montgomery)	Referred to Judiciary, 3/30/05.
SB 1071 PN 1470	Amends the Pennsylvania Board of Probation and Parole Law to provide for an expedited review for release on parole of every case where the Department of Corrections has reported that the inmate has a serious or terminal illness, is receiving treatment or hospice care, and presents a minimal risk of reoffending.	Greenleaf (R-Montgomery), Lemmond (R-Luzerne), Costa (D-Allegheny)	Referred to Judiciary, 1/24/06.

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	presents a minimal risk of reoffending.		
SB 415 PN 417	Amends Title 42 to state that the courts of common pleas of any county or judicial district may establish a separate drug court division that would provide a single point of contact for a defendant with a drug abuse problem to treatment and support services in connection with a diversion from prosecution, a sentencing alternative or a term of probation or parole.	Orie (R- Allegheny), Rafferty , Boscola (D- Lehigh)	Referred to Judiciary, 3/16/05
HR 195 PN 1298	This resolution urges the restoration of voting rights to persons being detained in custody of law enforcement waiting trial, and states that detention facilities are responsible to provide voting access to detainees who are not convicted of a crime.	Roberts (D-Fayette), Thomas (D- Philadelphia), James (D- Philadelphia)	Referred to State Government, 3/29/05.

### SEX OFFENDER LEGISLATION

<b>BILL ID</b>	<b>DESCRIPTION</b>	<b>KEY SPONSORS</b>	<b>BILL STATUS</b>
HB 387 PN 414	Legislation calling for the posting on the internet of all names and addresses of sex offenders. Under current law, only sexually violent predators have their address posted.	Cruz (D-Philadelphia), Youngblood (D- Philadelphia), Keller (D- Philadelphia)	Referred to Judiciary, 2/9/05.
HB 2171 PN 3010	An Act amending Titles 18 and 42 of the Pennsylvania Consolidated Statutes, providing for conduct relating to sex offenders; imposing a penalty and providing for sentences for sex offenders.	Dally (R-Northampton), Baker (R-Bradford and Tioga), Baldwin (R- Lancaster)	Referred to Judiciary Committee 3/16/06.
SB 657 PN 751	Establishes a civil procedure for the involuntary outpatient commitment of sexually violent predators with the installation of a permanent tracking device upon their person.	Orie (R-Allegheny), Boscola (D-Lehigh), Tartaglione (D- Philadelphia)	Referred to Judiciary, 4/28/05.
SB 944 PN 1235	Proposed amendments to Titles 18 and 42 of the Pennsylvania Consolidated Statutes. Title 18 amendments include minimum sentences of 50 and 25 years for persons convicted of rape or deviate sexual intercourse respectively. Title 42 amendments would require a person	Orie (R-Allegheny), Punt (R-Franklin), Corman (R-Centre), Kitchen (D-	Referred to Judiciary, 10/18/05.

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	classified as a sexually violent predator to be fitted with a GPS tracking device and restricted to travel within their county of residence.	Philadelphia), Boscola (D-Lehigh)	
SB 1001 PN 1339	Legislation that would establish a program for the electronic monitoring of offenders and sexually violent predators during the term of their probation or parole or the entire period of their lives after release from incarceration. The person being tracked shall be responsible for the costs of monitoring unless undue hardship is proven.	Tomlinson (R-Bucks), Punt (R-Franklin), Corman (R-Centre)	Referred to Judiciary, 11/14/05.
SB 1061  PN 1463	This bill amends Title 42 of the Pennsylvania Consolidated Statutes to provide for the chemical treatment, also known as “chemical castration” of certain sex offenders. The court-mandated treatment of medroxyprogesterone acetate will be in addition to any prison sentence received and may be continued indefinitely at the discretion of the court. Failure to obtain such a mandated hormone treatment could be penalized with a minimum of ten years in prison	Regola (R-Westmoreland), Kitchen (D-Philadelphia), Scarnati (R-Tioga)	Referred to Judiciary Committee 1/24/06.
SB 1060 PN 1530	This bill would amend Title 18 of the Pennsylvania Consolidated Statutes to limit the use of criminal records for employment to offenses that involved the use of a firearm.	Kitchen (D-Philadelphia), Tartaglione (D-Philadelphia), A. Williams (D-Philadelphia, Delaware)	Referred to Labor and Industry Committee 2/6/06. Remarks in Senate 3/15/06.
HB 2171 PN 3010	This legislation amends Titles 18 and 42 regarding conduct relating to sex offenders, penalties, and sentencing. This bill allows for the conviction of persons who intend to assist sex offenders with a felony of the third degree and provides for minimum and maximum sentences for such offenders.	Dally (R-Northampton), Baker (R-Bradford, Tioga), Baldwin (R-Lancaster)	Referred to Judiciary, 11/1/05. Third consideration and final passage in House, 2/14/06. (195-2). Referred to Senate Judiciary 3/16/06.
SB 1028 PN 1390	Proposes amendments to Title 18 of the Pennsylvania Consolidated Statutes by increasing the gradation of certain sex offenses from misdemeanor of the first degree to a felony of the third degree. In addition the legislation proposes to amend Title 42 to provide that felonies of the third degree for a “sex crime” have minimum sentences ranging from 10-25 years for felonies of the first degree and 42 months from felonies of the third degree.	Kitchen (D-Philadelphia), Boscola (D-Lehigh), O’Pake (D-Berks)	Referred to Judiciary, 11/22/05.

<b>BILL ID</b>	<b>DESCRIPTION</b>	<b>KEY SPONSORS</b>	<b>BILL STATUS</b>
HB1966 PN3585	Amends registration requirements in Title 42. Currently, former sex offenders in Pennsylvania are required to register with the Pennsylvania State Police within ten days after a change of address, place of employment or a move to another state. HB 1966 requires registration within forty-eight hours of such a change. Additionally, all sex offenders who move to Pennsylvania are required to register with the State Police within 48 hours, while currently the deadline is ten days.	Reed (R-Indiana), Benninghoff (R-Centre, Mifflin), Baker (R- Bradford, Tioga)	Referred to Judiciary, 3/16/06.

### **REENTRY, PAROLE, AND PROBATION**

<b>BILL ID</b>	<b>DESCRIPTION</b>	<b>KEY SPONSORS</b>	<b>BILL STATUS</b>
SB 224 PN 216	This legislation would ban people from working in a hospital for 10 years if he or she commits certain offenses including burglary, robbery, forgery, unlawful restraint and prostitution.	Vance (R-Cumberland) Boscola (D-Lehigh) Costa (D-Allegheny)	Referred to Public Health and Welfare, 2/8/05.
HB 1318 PN 3587	Legislation aimed at rendering a person who commits a felony offense ineligible to vote in an election in Pennsylvania for a period beginning with the date of the conviction and ending with the expiration of the maximum sentence imposed by the court. Current law allows a person convicted of a felony to vote when his or her incarceration ends.	Gergely (D-Allegheny), Clymer (R-Bucks), Eachus (D-Luzerne)	Vetoed by Governor Edward Rendell, 3/15/06.
HB 1233 PN 1446	This legislation provides for the establishment of county mental health courts and calls for additional services including special mental health training for law enforcement and judicial personnel, case management, and continued supervision of a treatment plan while the individual is on parole or probation.	Leach (D- Montgomery)	Referred to Judiciary, 3/30/05.
SB 1071 PN 1470	Amends the Pennsylvania Board of Probation and Parole Law to provide for an expedited review for release on parole of every case where the Department of Corrections has reported that the inmate has a serious or terminal illness, is receiving treatment or hospice care, and presents a minimal risk of reoffending.	Greenleaf (R- Montgomery), Lemmond (R-Luzerne), Costa (D-Allegheny)	Referred to Judiciary, 1/24/06.
SB 506 PN 1487	Alters Title 61, which governs penal and correctional institutions, with added definitions and provisions for state and county correctional institutions regarding inmate labor, medical services, visitation, executions	Greenleaf (R- Montgomery), Costa (D-Allegheny), O'Pake	Referred to Judiciary, 3/29/05. Re-referred to Appropriations, 2/6/06.

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	and probation and parole generally.	(D-Berks)	Appropriations, 2/6/06.
HB 1133 PN 1339	Amends the to as the Pennsylvania Board of Probation and Parole Law of 1941 to provide for more decision-making power for the Board. It amends the Law to read that the Board may choose at its discretion to consider a person for parole before the minimum sentence is fulfilled, except in capital and life sentence cases. The provisions of this bill exclude benefit to those convicted in relation to possession or use of a deadly weapon, a personal injury crime, or some cases of sex offense.	James (D-Philadelphia), D. Evans (D-Philadelphia), Kirkland (D-Delaware)	Referred to Judiciary, 3/29/05.
HB 371 PN 398	An Act amending the Prisoner Pre-release Plan Law, stating that the Commissioner of Correction may transfer any incarcerated person who has not been sentenced to death or life imprisonment, to any Bureau of Correction facility “pre-release center” located provided it is located within fifty miles of the county where the individual was most recently prosecuted.	Cappelli (R-Lycoming), Armstrong (R-Lancaster), Belfanti (R-Lycoming)	Referred to Judiciary, 2/9/05.
HR 198 PN 1301	This resolution urges the automatic reinstatement of voter registration upon completion of sentence and that correctional institutions or probation and parole should inform the Registrar of Voters documentation that these persons are no longer under imprisonment.	Bishop (D-Philadelphia), Bebko-Jones (D-Erie), Caltagirone (D-Berks)	Referred to State Government, 3/29/05.

### **WRONGFUL CONVICTION, EXONERATION, AND EXPUNGEMENT**

<b>BILL ID</b>	<b>DESCRIPTION</b>	<b>KEY SPONSORS</b>	<b>BILL STATUS</b>
SB 945 PN 1247	An Act that amends Title 42, Judiciary and Judicial Procedure, regarding wrongful conviction and imprisonment. This legislation provides for the awarding of damages for wrongful convictions.	Ferlo (D-Allegheny)	Referred to Judiciary 10/24/05.

SB 1069  PN 1519	Establishes an Innocence Commission of Pennsylvania that would review cases in which an innocent person was wrongfully convicted and later exonerated; identify the most common causes of wrongful convictions; identify current laws, rules and procedures implicated by each type of causation; identify through research, experts and discussion; potential solutions in the form of legislative, rule or procedural changes or educational opportunities.	Greenleaf (R-Montgomery), Lemmond (R-Luzerne), Costa (D-Allegheny)	Referred to Judiciary, 1/24/06. Re-referred to Appropriations, 3/13/06.
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### MISCELLANEOUS

BILL ID	DESCRIPTION	KEY SPONSORS	BILL STATUS
HR 210  PN 1411	This resolution establishes a special committee to study conditions in State prisons with the authority to swear in witnesses to testify on such conditions.	Bishop (D-Philadelphia), Bebko-Jones (D-Erie), Readshaw (D-Allegheny)	Referred to Judiciary, 3/30/05.

### NATIONAL LEGISLATION

BILL ID	DESCRIPTION	KEY SPONSORS	BILL STATUS
HR 3035	This national bill proposes to establish “streamlined procedures” in the review of petitions, amendments and claims that were defaulted on the state level. It will limit the jurisdiction of the federal courts to hear habeas corpus petitions of inmates in certain cases, e.g. if the petition is based on sentencing errors ruled harmless by a state court, or in the case of death penalty. See S. 1088.	Daniel Lungren (R-CA)	Committee on the Judiciary. Committee consideration and Mark Up Session held, 10/6/05.
HR 4466	Amends the Communications Act of 1934 requiring the Federal Communications Commission to prescribe rules regulating inmate telephone service rates. Currently, telephone costs in correctional facilities are a great financial burden on inmates, families, and the public. This bill would ultimately reduce costs for families and friends of incarcerated people.	Rush (D-Illinois)	Introduced 12/7/05. Passed House 2/14/06. Referred to senate Judiciary Committee 3/16/06.

