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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1855 Session of  
2019

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INTRODUCED BY BERNSTINE, SAINATO, KAUFFMAN, STEPHENS, SNYDER,  
MILLARD, MOUL, DeLUCA, ZABEL, KEEFER, READSHAW, POLINCHOCK,  
KAIL, JONES, MARSHALL, KORTZ, ROEBUCK, MUSTELLO, WHEELAND,  
ROTHMAN, ORTITAY, SCHMITT, IRVIN, PICKETT, HELM, JOZWIAK,  
GILLESPIE, BARRAR, GLEIM, EVERETT, BURNS AND TOOHL,  
SEPTEMBER 23, 2019

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REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 23, 2019

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AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania  
2 Consolidated Statutes, in Pennsylvania Board of Probation and  
3 Parole, further providing for parole power.

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

6 Section 1. Section 6137(k) of Title 61 of the Pennsylvania  
7 Consolidated Statutes is amended and the section is amended by  
8 adding subsections to read:

9 § 6137. Parole power.

10 \* \* \*

11 (f.1) Violent offenses while incarcerated.--The board may  
12 not release on parole an inmate who commits a violent offense  
13 while incarcerated for at least 24 months following the  
14 expiration of the minimum term of imprisonment fixed by the  
15 court or by the Board of Pardons in a sentence which has been  
16 reduced by commutation or 24 months following the conviction,

1 whichever is longer.

2 (f.2) Obstruction of justice offenses while incarcerated.--  
3 The board may not release on parole an inmate who commits an  
4 obstruction of justice offense while incarcerated for at least  
5 12 months following the expiration of the minimum term of  
6 imprisonment fixed by the court or by the Board of Pardons in a  
7 sentence which has been reduced by commutation or 12 months  
8 following the conviction, whichever is longer.

9 \* \* \*

10 (k) Definitions.--The following words and phrases shall have  
11 the meanings given to them in this subsection unless the context  
12 clearly indicates otherwise:

13 "Crime of violence." As defined in 42 Pa.C.S. § 9714(g)  
14 (relating to sentences for second and subsequent offenses).

15 "Eligible offender." As defined in section 4503 (relating to  
16 definitions).

17 "Obstruction of justice offense." An act, conspiracy or  
18 solicitation to commit any of the following offenses under 18  
19 Pa.C.S. (relating to crimes and offenses):

20 Section 4952 (relating to intimidation of witnesses or  
21 victims).

22 Section 4953 (relating to retaliation against witness, victim  
23 or party).

24 Section 4958 (relating to intimidation, retaliation or  
25 obstruction in child abuse cases).

26 Section 5121 (relating to escape).

27 Section 5122 (relating to weapons or implements for escape).

28 Section 5123 (relating to contraband).

29 "Violent offense." An act, conspiracy or solicitation to  
30 commit any of the following offenses under 18 Pa.C.S.:

1     Section 2501 (relating to criminal homicide).  
2     Section 2702 (relating to aggravated assault).  
3     Section 2702.1 (relating to assault of law enforcement  
4 officer).  
5     Section 2703 (relating to assault by prisoner).  
6     Section 2703.1 (relating to aggravated harassment by  
7 prisoner).  
8     Section 2718 (relating to strangulation).  
9     Section 3121 (relating to rape).  
10    Section 3123 (relating to involuntary deviate sexual  
11 intercourse).  
12    Section 3124.1 (relating to sexual assault).  
13    Section 3124.2 (relating to institutional sexual assault).  
14    Section 3125 (relating to aggravated indecent assault).  
15    Section 3126 (relating to indecent assault).  
16    Section 3301 (relating to arson and related offenses).  
17    Section 5501 (relating to riot).  
18    Section 2. This act shall take effect in 60 days.