

AMENDMENTS TO HOUSE BILL NO. 1042

Sponsor: SENATOR LANGERHOLC

Printer's No. 3758

1 Amend Bill, page 1, line 9, by striking out "TITLE" and

2 inserting

3 Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial
4 Procedure) and

5 Amend Bill, page 1, line 10, by inserting after "STATUTES,"

6 in authorized disposition of offenders, further providing for
7 sentence for murder, murder of unborn child and murder of law
8 enforcement officer and providing for sentence for murder of
9 the second degree; in sentencing, further providing for
10 sentences for second and subsequent offenses and for life
11 imprisonment for homicide;

12 Amend Bill, page 1, line 11, by inserting after "CREDIT;"

13 in motivational boot camp, further providing for definitions;

14 Amend Bill, page 1, line 13, by striking out the period after
15 "PAROLE" and inserting

16 , providing for parole eligibility for offenders sentenced to
17 life for murder of the second degree and further providing
18 for parole procedure and for victim statements, testimony and
19 participation in hearing.

20 Amend Bill, page 1, lines 16 and 17, by striking out all of
21 said lines and inserting

22 Section 1. Section 1102(b) of Title 18 of the Pennsylvania
23 Consolidated Statutes is amended to read:

24 § 1102. Sentence for murder, murder of unborn child and murder
25 of law enforcement officer.

26 * * *

27 (b) Second degree.--Except as provided under section 1102.1,
28 a person who has been convicted of [murder of the second degree,
29 of] second degree murder of an unborn child or of second degree
30 murder of a law enforcement officer shall be sentenced to a term
31 of life imprisonment.

1 * * *

2 Section 2. Title 18 is amended by adding a section to read:
3 § 1102.2. Sentence for murder of the second degree.

4 (a) Sentencing.--Except as provided under subsections (b)
5 and (c), a defendant who has been convicted of murder of the
6 second degree and who was 18 years of age or older at the time
7 of the commission of the offense shall be sentenced to a term of
8 imprisonment, the minimum of which shall be fixed by the court
9 at not less than 35 years and the maximum of which may not
10 exceed life imprisonment.

11 (b) Life without parole.--

12 (1) The court may sentence a defendant who has been
13 convicted of murder of the second degree and who was 18 years
14 of age or older at the time of the commission of the offense
15 to life imprisonment without parole if the finder of fact
16 determines beyond a reasonable doubt that:

17 (i) the defendant killed, attempted to kill or
18 intended to kill the victim; and

19 (ii) at least one of the following:

20 (A) the victim was a law enforcement officer or
21 a child under 13 years of age;

22 (B) during the commission of the offense, the
23 defendant engaged as a principal in a violation of
24 section 3121 (relating to rape) or 3123 (relating to
25 involuntary deviate sexual intercourse);

26 (C) the defendant was previously convicted of a
27 crime of violence; or

28 (D) in addition to a victim described in
29 subparagraph (i), the defendant caused serious bodily
30 injury or death to another victim during the
31 commission of the offense.

32 (2) The Commonwealth shall provide reasonable notice to
33 the defendant of its intention to seek a sentence of life
34 imprisonment without parole under this subsection. The notice
35 shall be provided by specifically alleging in the charging
36 document any fact authorizing a life without parole sentence
37 under paragraph (1).

38 (c) Sentencing mitigation.--

39 (1) A defendant who has been convicted of murder of the
40 second degree and who was 18 years of age or older at the
41 time of the commission of the offense may be sentenced to a
42 minimum term of imprisonment of less than 35 years, but not
43 less than 10 years, and the maximum of which may not exceed
44 40 years, if the defendant proves at sentencing by a
45 preponderance of the evidence, and the court specifically
46 finds, all of the following:

47 (i) The defendant was not the only participant in
48 the commission of the offense.

49 (ii) The defendant did not solicit, request,
50 conspire, command, plan or further aid another to cause
51 the victim's death.

1 (iii) The defendant did not brandish, use or
2 threaten to use a deadly weapon in the commission of the
3 offense.

4 (iv) The defendant had no reason to believe that any
5 other participant would use a deadly weapon.

6 (v) The defendant had no reason to believe that any
7 other participant intended to engage in conduct likely to
8 result in death or serious bodily injury to any person.

9 (vi) The defendant did not cause serious bodily
10 injury to another during the commission of the offense.

11 (2) This subsection shall not apply to a defendant when,
12 under subsection (b), any of the factors described in
13 subsection (b)(1) have been found beyond a reasonable doubt.

14 (3) Nothing in this subsection shall be interpreted to
15 authorize the court to override or otherwise contradict a
16 jury's specific finding regarding whether a fact described
17 under subsection (b)(1) was proven beyond a reasonable doubt.

18 (d) Culpability assessment.--In deciding the term of
19 incarceration to impose, the court may consider any of the
20 following:

21 (1) The impact of the offense on each victim, including
22 oral and written victim impact statements made or submitted
23 by family members of the victim detailing the physical,
24 psychological and economic effects of the crime on the victim
25 and the victim's family. A victim impact statement may
26 include comment on the sentence of the defendant.

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

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

30 (4) The nature and circumstances of the offense
31 committed by the defendant.

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

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

35 (7) Characteristics of the defendant, including:

36 (i) Age.

37 (ii) Mental capacity.

38 (iii) Maturity.

39 (iv) The degree of criminal sophistication exhibited
40 by the defendant.

41 (v) The nature and extent of any prior delinquent or
42 criminal history, including the success or failure of any
43 previous attempts by the court to rehabilitate the
44 defendant.

45 (vi) Probation or institutional reports.

46 (8) Other relevant factors.

47 (e) Sentencing guidelines.--

48 (1) The Pennsylvania Commission on Sentencing shall
49 follow the publication process under 42 Pa.C.S. § 2155
50 (relating to publication of guidelines for sentencing,
51 resentencing and parole, risk assessment instrument and

1 recommitment ranges following revocation) for the proposal of
2 all sentencing guidelines under this section.

3 (2) Sentencing guidelines published under this section
4 shall consider the varying degrees of culpability of a
5 defendant and the nature of the circumstances of an offense.

6 (3) Sentencing guidelines may not supersede the
7 mandatory sentences provided in this section.

8 (4) Within 60 days of the effective date of this
9 subsection, the Pennsylvania Commission on Sentencing shall
10 begin the publication process under 42 Pa.C.S. § 2155.

11 (f) Definitions.--As used in this section, the following
12 words and phrases shall have the meanings given to them in this
13 subsection unless the context clearly indicates otherwise:

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

16 "Deadly weapon." As defined in section 2301 (relating to
17 definitions).

18 "Principal." As defined in section 2502(d) (relating to
19 murder).

20 "Serious bodily injury." As defined in section 2301.

21 Section 3. Sections 9714(g) and 9715(a) of Title 42 are
22 amended to read:

23 § 9714. Sentences for second and subsequent offenses.

24 * * *

25 (g) Definition.--As used in this section, the term "crime of
26 violence" means murder of the second degree or the third degree,
27 voluntary manslaughter, manslaughter of a law enforcement
28 officer as defined in 18 Pa.C.S. § 2507(c) or (d) (relating to
29 criminal homicide of law enforcement officer), murder of the
30 third degree involving an unborn child as defined in 18 Pa.C.S.
31 § 2604(c) (relating to murder of unborn child), aggravated
32 assault of an unborn child as defined in 18 Pa.C.S. § 2606
33 (relating to aggravated assault of unborn child), aggravated
34 assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating
35 to aggravated assault), assault of law enforcement officer as
36 defined in 18 Pa.C.S. § 2702.1(a)(1) (relating to assault of law
37 enforcement officer), use of weapons of mass destruction as
38 defined in 18 Pa.C.S. § 2716(b) (relating to weapons of mass
39 destruction), terrorism as defined in 18 Pa.C.S. § 2717(b)(2)
40 (relating to terrorism), strangulation when the offense is
41 graded as a felony as defined in 18 Pa.C.S. § 2718 (relating to
42 strangulation), trafficking of persons when the offense is
43 graded as a felony of the first degree as provided in 18 Pa.C.S.
44 § 3011 (relating to trafficking in individuals), rape,
45 involuntary deviate sexual intercourse, aggravated indecent
46 assault, incest, sexual assault, arson endangering persons or
47 aggravated arson as defined in 18 Pa.C.S. § 3301(a) or (a.1)
48 (relating to arson and related offenses), ecoterrorism as
49 classified in 18 Pa.C.S. § 3311(b)(3) (relating to
50 ecoterrorism), kidnapping, burglary as defined in 18 Pa.C.S. §
51 3502(a)(1) (relating to burglary), robbery as defined in 18

1 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), or
2 robbery of a motor vehicle, drug delivery resulting in death as
3 defined in 18 Pa.C.S. § 2506(a) (relating to drug delivery
4 resulting in death), or criminal attempt, criminal conspiracy or
5 criminal solicitation to commit murder or any of the offenses
6 listed above, or an equivalent crime under the laws of this
7 Commonwealth in effect at the time of the commission of that
8 offense or an equivalent crime in another jurisdiction.
9 § 9715. Life imprisonment for homicide.

10 (a) Mandatory life imprisonment.--Notwithstanding the
11 provisions of section 9712 (relating to sentences for offenses
12 committed with firearms), 9713 (relating to sentences for
13 offenses committed on public transportation) or 9714 (relating
14 to sentences for second and subsequent offenses), any person
15 convicted of murder of the second degree or murder of the third
16 degree in this Commonwealth who has previously been convicted at
17 any time of murder or voluntary manslaughter in this
18 Commonwealth or of the same or substantially equivalent crime in
19 any other jurisdiction shall be sentenced to life imprisonment,
20 notwithstanding any other provision of this title or other
21 statute to the contrary.

22 * * *

23 Section 4. Chapter 11 of Title 61 is amended by adding a
24 subchapter to read:

25 Amend Bill, page 3, lines 10 through 13, by striking out
26 "requiring registration under 42" in line 10, all of lines 11
27 and 12 and "offenders)" in line 13 and inserting

28 under 42 Pa.C.S. § 9799.14 (relating to sexual offenses
29 and tier system)

30 Amend Bill, page 4, by inserting between lines 28 and 29

31 Section 5. The definition of "eligible inmate" in section
32 3903 of Title 61 is amended to read:
33 § 3903. Definitions.

34 The following words and phrases when used in this chapter
35 shall have the meanings given to them in this section unless the
36 context clearly indicates otherwise:

37 * * *

38 "Eligible inmate." A person sentenced to a term of
39 confinement under the jurisdiction of the Department of
40 Corrections who is serving a term of confinement, the minimum of
41 which is not more than two years and the maximum of which is
42 five years or less, or an inmate who is serving a term of
43 confinement, the minimum of which is not more than three years
44 where that inmate is within two years of completing his minimum
45 term, and who has not reached 40 years of age at the time he is
46 approved for participation in the motivational boot camp
47 program. The term shall not include any inmate who is subject to

1 a sentence the calculation of which included an enhancement for
2 the use of a deadly weapon as defined pursuant to the sentencing
3 guidelines promulgated by the Pennsylvania Commission on
4 Sentencing, any inmate who has been convicted or adjudicated
5 delinquent of any crime listed under 42 Pa.C.S. Ch. 97 Subch. H
6 (relating to registration of sexual offenders) or I (relating to
7 continued registration of sexual offenders) or any inmate with a
8 current conviction or a prior conviction within the past ten
9 years for 18 Pa.C.S. § 2502 (relating to murder), drug
10 trafficking as defined in section 4103 (relating to definitions)
11 or a crime of violence as defined in 42 Pa.C.S. § 9714(g)
12 (relating to sentences for second or subsequent offenses) or who
13 has ever been convicted of murder of the second degree or
14 criminal attempt, criminal solicitation or criminal conspiracy
15 to commit any of these offenses.

16 * * *

17 Amend Bill, page 4, line 29, by striking out "2" and
18 inserting

19 6

20 Amend Bill, page 9, line 8, by striking out all of said line
21 and inserting

22 Section 7. Title 61 is amended by adding a section to read:
23 § 6137.3. Parole eligibility for offenders sentenced to life
24 for murder of the second degree.

25 (a) Parole.--Notwithstanding section 6137(a) (relating to
26 parole power), the board shall have the power to parole an
27 offender who is serving a sentence of life imprisonment for a
28 conviction of murder of the second degree that was imposed prior
29 to the effective date of this subsection if:

30 (1) the offender has served at least 35 years
31 incarceration of the life sentence; or

32 (2) the offender is 70 years of age or older and has
33 served at least 20 years incarceration of the life sentence.

34 (b) Exclusions.--Subsection (a)(1) shall not apply to an
35 offender convicted of murder of the second degree who:

36 (1) was sentenced to life imprisonment without parole
37 under 18 Pa.C.S. § 1102.1 (relating to sentence of persons
38 under the age of 18 for murder, murder of an unborn child and
39 murder of a law enforcement officer);

40 (2) was under 18 years of age at the time of the
41 commission of the offense and was resentenced to life
42 imprisonment without parole after June 24, 2012;

43 (3) killed, intended to kill or attempted to kill a law
44 enforcement officer during the commission of the offense; or

45 (4) participated in the perpetration of rape or deviate
46 sexual intercourse by force during the commission of the
47 offense.

1 (c) Board considerations.--In addition to any other
2 requirement under this chapter, in considering whether to grant
3 parole to an offender made eligible under subsection (a), the
4 board shall:

5 (1) Give primary consideration to the protection of the
6 public and to the safety of the victim or any other person.

7 (2) Consider the nature and circumstances of the
8 offense, including:

9 (i) The degree of the offender's culpability in the
10 victim's death and the perpetration of the underlying
11 felony.

12 (ii) Whether the offender caused, intended to cause
13 or attempted to cause the victim's death.

14 (iii) Any other circumstance the board deems
15 relevant in deciding whether to grant or deny parole.

16 (d) Additional requirements.--

17 (1) Notwithstanding any other provision of this chapter,
18 a majority of the board shall be required to make decisions
19 regarding parole under this section. Only board members shall
20 vote on whether to grant parole under this section. Prior to
21 voting, each board member shall review any victim statement
22 and testimony provided under section 6140 (relating to victim
23 statements, testimony and participation in hearing).

24 (2) The board may not consider parole in any case where
25 the board or the Office of Victim Advocate fails to comply
26 with the procedures specified in this section or section
27 6140.

28 (e) Limitations.--

29 (1) The provisions of this section shall not affect the
30 sentence or parole eligibility for any term of imprisonment
31 imposed for a separate offense.

32 (2) Nothing under this section shall be interpreted as
33 granting a right to be paroled to any offender.

34 (3) A decision by the board relating to an offender who
35 is eligible for parole under subsection (a) or sentenced
36 under 18 Pa.C.S. § 1102.1 may not be considered an
37 adjudication under 2 Pa.C.S. Chs. 5 Subch. A (relating to
38 practice and procedure of Commonwealth agencies) and 7 Subch.
39 A (relating to judicial review of Commonwealth agency
40 action).

41 Section 8. Section 6139(a)(3.1) and (3.2) of Title 61 are
42 amended to read:

43 § 6139. Parole procedure.

44 (a) Specific requirements.--

45 * * *

46 (3.1) Notwithstanding paragraphs (2) and (3), the board
47 shall not be required to consider nor to dispose of an
48 application by an offender or an offender's attorney in the
49 case of an offender who is eligible for parole under section
50 6137.3(a) or sentenced under 18 Pa.C.S. § 1102.1 (relating to
51 sentence of persons under the age of 18 for murder, murder of

1 an unborn child and murder of a law enforcement officer) or
2 18 Pa.C.S. § 1102.2 (relating to sentence for murder of the
3 second degree) if a parole decision has been issued by the
4 board within five years of the date of the current
5 application.

6 (3.2) Nothing under this section shall be interpreted as
7 granting a right to be paroled to any offender, and a
8 decision by the board and its designees relating to an
9 offender who is eligible for parole under section 6137.3(a)
10 or sentenced under 18 Pa.C.S. § 1102.1 may not be considered
11 an adjudication under 2 Pa.C.S. Chs. 5 Subch. A (relating to
12 practice and procedure of Commonwealth agencies) and 7 Subch.
13 A (relating to judicial review of Commonwealth agency
14 action).

15 * * *

16 Section 9. Section 6140 of Title 61 is amended by adding a
17 subsection to read:

18 § 6140. Victim statements, testimony and participation in
19 hearing.

20 * * *

21 (j) Victim notification for cases under section 6137.3(a).--
22 This subsection shall apply only to hearings regarding the
23 parole of an offender under section 6137.3(a)(1) (relating to
24 parole eligibility for offenders sentenced to life for murder of
25 the second degree). The following apply:

26 (1) The board shall ensure that victims and family
27 members have a reasonable opportunity to be heard at any
28 hearing authorized by this section. The board shall give
29 meaningful consideration to any testimony presented at the
30 hearing.

31 (2) The Office of Victim Advocate shall provide notice
32 to any victim or next of kin, including to victims who are
33 registered with the Department of Corrections, the Office of
34 Victim Advocate and the Pennsylvania Parole Board and those
35 whose whereabouts are otherwise known.

36 (3) The Office of Victim Advocate shall make all
37 reasonable efforts to effectuate notice within 30 days of the
38 date that a hearing is granted and at least 60 days prior to
39 the hearing.

40 (4) The board and Office of Victim Advocate shall make
41 every reasonable effort to identify, find and notify victims
42 who have not registered with the Office of Victim Advocate.

43 (5) The board and the Office of Victim Advocate shall
44 provide each board member with written notice containing one
45 of the following:

46 (i) the date and manner by which notice required
47 under this section was effectuated; or

48 (ii) a detailed description of all efforts and
49 methods employed to identify, locate and notify the
50 victim or next of kin.

51 (6) To effectuate the requirements of this subsection,

1 the board shall issue guidelines within 90 days of the
2 effective date of this paragraph.

3 Section 10. It is the intent of this act to remedy the
4 Pennsylvania Supreme Court's decision in *Commonwealth v. Lee*,
5 2026 WL 855614 (Pa. March 26, 2026).

6 Section 11. The addition of 18 Pa.C.S. § 1102.2 shall apply
7 to:

8 (1) Offenses committed on or after the effective date of
9 this paragraph.

10 (2) Offenses committed prior to the effective date of
11 this paragraph for which judgment of sentence has not yet
12 been imposed.

13 Section 12. This act shall take effect as follows:

14 (1) The following shall take effect immediately:

15 The amendment or addition of 18 Pa.C.S. §§ 1102(b)
16 and 1102.2.

17 The amendment of 42 Pa.C.S. §§ 9714(g) and 9715(a).

18 The amendment of the definition of "eligible inmate"
19 in 61 Pa.C.S. § 3903.

20 The amendment or addition of 61 Pa.C.S. §§ 6137.3,
21 6139(a)(3.1) and (3.2) and 6140(j).

22 Sections 10 and 11 of this act.

23 This section.

24 (2) The remainder of this act shall take effect in one
25 year.