

**House Judiciary Committee Voting Meeting**  
**Majority Caucus Room**  
**Room 140 Main Capitol**  
**Harrisburg, PA 17120**  
**April 09, 2026**  
**2:00 PM**

PLEASE NOTE: THREE AMENDMENTS HAVE BEEN ADDED TO THE AGENDA; THE CORRESPONDING MATERIALS HAVE BEEN UPLOADED

**Agenda**

**House Bill 2102 (LEADBETER)** An Act amending the act of November 24, 2004 (P.L.1270, No.153), referred to as the Pennsylvania Amber Alert System Law, further providing for title of the act, for Pennsylvania Amber Alert System and Missing Endangered Person Advisory System (MEPAS) established and for immunity.

**House Bill 72 (BOROWSKI)** An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, providing for tenants' rights in cases of violence.

**A02835 (BRIGGS)**

**House Bill 443 (BRIGGS)** An Act amending Titles 18 (Crimes and Offenses) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in authorized disposition of offenders, further providing for sentence for murder, murder of unborn child and murder of law enforcement officer and for sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer; and, in Pennsylvania Board of Probation and Parole, further providing for parole power.

**A02845 (BRIGGS)**

**House Bill 1104 (KRUEGER)** An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in rules of evidence, further providing for subpoena of records.

**House Bill 1247 (HANBIDGE)** An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in rules of evidence, providing for prohibition of deception during custodial interrogation of individual with intellectual disability or autism.

**House Bill 2106 (SALISBURY)** An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in incapacitated persons, further providing for petition and hearing and independent evaluation.

**House Bill 2277 (BRIGGS)** An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in standby and temporary guardianship, further providing for definitions and for petition for approval of a designation.

**House Bill 2279 (WATRO)** An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time relating to criminal proceedings, further providing for other offenses.

**A02819 (BRIGGS)**

**House Bill 2356 (CARROLL)** An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in criminal history record information, further providing for expungement.

**And any other business that comes before the Committee**

## **Adjournment**

Please advise Maya Fitterer, MFitterer@pahouse.net, with your attendance plans. Thank you.

## **Attachments:**

- Sunshine Memo
- HB2102
- HB2102 BA
- HB72
- A02835 to HB72
- HB72 BA
- HB443
- A02845 to HB443
- HB443 BA
- HB1104
- HB1104 BA
- HB1247
- HB1247 BA
- HB2106
- HB2106 BA
- HB2277
- HB2277 BA
- HB2279
- A02819 to HB2279
- HB2279 BA
- HB2356
- HB2356 BA

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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

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PENNSYLVANIA STATE SYSTEM OF HIGHER  
EDUCATION (PASSHE), BOARD OF GOVERNORS

PENNSYLVANIA COMMISSION ON CRIME &  
DELINQUENCY (PCCD), COMMISSIONER

April 1, 2026

TO: House Judiciary Committee Members  
FROM: Tim Briggs, Majority Chairman  
RE: Voting Meeting

A handwritten signature in blue ink that reads 'Tim Briggs'.

The House Judiciary Committee will hold a **voting meeting** on **Thursday, April 9, 2026, at 2:00 p.m. in 140 Main Capitol Building**. The Committee is scheduled to consider the following:

**House Bill 72 (Borowski)** Amends the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, providing for tenants' rights in cases of violence.

**House Bill 443 (Briggs)** Amends Titles 18 (Crimes and Offenses) and 61 (Prisons and Parole) in authorized disposition of offenders, further providing for sentence for murder, murder of unborn child and murder of law enforcement officer and for sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer; and, in Pennsylvania Board of Probation and Parole, further providing for parole power.

**House Bill 1104 (Krueger)** Amends Title 42 (Judiciary and Judicial Procedure) in rules of evidence, further providing for subpoena of records.

**House Bill 1247 (Hanbidge)** Amends Title 42 (Judiciary and Judicial Procedure) in rules of evidence, providing for prohibition of deception during custodial interrogation of individual with intellectual disability or autism.

**House Bill 1550 (Burgos)** Amends Title 61 (Prisons and Parole) in Pennsylvania Board of Probation and Parole, providing for parole for reasons of age and for medical parole under certain circumstances.

**House Bill 2102 (Leadbeter)** Amends the act of November 24, 2004 (P.L.1270, No.153), referred to as the Pennsylvania Amber Alert System Law, further providing for title of the act, for Pennsylvania Amber Alert System and Missing Endangered Person Advisory System (MEPAS) established and for immunity.

**House Bill 2106 (Salisbury)** Amends Title 20 (Decedents, Estates and Fiduciaries) in incapacitated persons, further providing for petition and hearing and independent evaluation.

**House Bill 2277 (Briggs)** Amends Title 23 (Domestic Relations) in standby and temporary guardianship, further providing for definitions and for petition for approval of a designation.

**House Bill 2279 (Watro)** Amends Title 42 (Judiciary and Judicial Procedure) in limitation of time relating to criminal proceedings, further providing for other offenses.

**House Bill 2356 (Carroll)** Amends Title 18 (Crimes and Offenses) in criminal history record information, further providing for expungement.

**And any other business that comes before the committee.**

Please advise Maya Fitterer, MFitterer@pahouse.net, with your attendance plans. Thank you!

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2102 Session of  
2025

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INTRODUCED BY LEADBETER, STEHR, STENDER, HAMM, MARCELL, SHAFFER,  
TOMLINSON, TWARDZIK, WATRO, WALSH, BASHLINE, SCIALABBA,  
SOLOMON, ROWE, GILLEN, D'ORSIE, GLEIM, KLUNK, KUZMA, PUGH,  
DAVIDSON AND PICKETT, DECEMBER 15, 2025

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REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 15, 2025

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AN ACT

1 Amending the act of November 24, 2004 (P.L.1270, No.153),  
2 entitled "An act providing for the Pennsylvania Amber Alert  
3 System; authorizing and directing the Pennsylvania State  
4 Police to establish and maintain the Pennsylvania Amber Alert  
5 System; assessing costs; and providing for immunity and  
6 penalties," further providing for title of the act, for  
7 Pennsylvania Amber Alert System and Missing Endangered Person  
8 Advisory System (MEPAS) established and for immunity.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. The title of the act of November 24, 2004  
12 (P.L.1270, No.153), referred to as the Pennsylvania Amber Alert  
13 System Law, is amended to read:

14 AN ACT

15 Providing for the Pennsylvania Amber Alert System, the Missing  
16 Endangered Person Advisory System and the Pennsylvania Purple  
17 Alert System; authorizing and directing the Pennsylvania  
18 State Police to establish and maintain [the Pennsylvania  
19 Amber Alert System] Pennsylvania's alert systems; assessing  
20 costs; and providing for immunity and penalties.

1 Section 2. Section 1 heading of the act is amended and the  
2 section is amended by adding a subsection to read:

3 Section 1. Pennsylvania Amber Alert System [and], Missing  
4 Endangered Person Advisory System (MEPAS) and  
5 Pennsylvania Purple Alert System established.

6 \* \* \*

7 (c) Pennsylvania Purple Alert System.--

8 (1) The Pennsylvania State Police shall establish and  
9 maintain the Pennsylvania Purple Alert System to assist in  
10 the recovery of a missing qualifying individual who is at  
11 special risk of harm or injury, through prompt notification  
12 to the general public, appropriate law enforcement  
13 authorities and other public agencies.

14 (2) For purposes of paragraph (1), the term "qualifying  
15 individual" means an individual with a diagnosed  
16 intellectual, developmental, cognitive or neurological  
17 condition, including autism spectrum disorder, Alzheimer's  
18 disease when the individual is under the age of 60, dementia  
19 when the individual is under the age of 60, a traumatic brain  
20 injury or similar impairments.

21 Section 3. Section 5(b) of the act is amended to read:

22 Section 5. Immunity.

23 \* \* \*

24 (b) Good Samaritan immunity.--Any person who provides,  
25 obtains or attempts to provide or obtain assistance for a child  
26 who is the subject of a Pennsylvania Amber Alert System notice  
27 [or], a person who is the subject of a Missing Endangered Person  
28 Advisory or a person who is the subject of a Pennsylvania Purple  
29 Alert System notice shall be immune from civil liability for  
30 acts or omissions in providing or obtaining or attempting to

1 provide or obtain assistance except for acts or omissions  
2 intended to cause harm and for which the law does not recognize  
3 justification or that constitute gross negligence or willful,  
4 wanton or reckless conduct.

5 Section 4. This act shall take effect in 60 days.

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

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<b>Bill No:</b>	HB2102 PN2705	<b>Prepared By:</b>	David Vitale, Esq. (717) 705-7011,6791
<b>Committee:</b>	Judiciary	<b>Executive Director:</b>	David Vitale, Esq.
<b>Sponsor:</b>	Leadbeter, Robert		
<b>Date:</b>	12/30/2025		

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### **A. Brief Concept**

Establishes the Pennsylvania Purple Alert System which would notify the public and law enforcement when an individual with certain cognitive, intellectual, or developmental disabilities goes missing.

### **C. Analysis of the Bill**

Amends the Pennsylvania Amber Alert System Law to establish a Purple Alert System to assist in the recovery of a missing qualifying individual who is at special risk of harm or injury, through prompt notification to the general public, appropriate law enforcement authorities and other public agencies.

A "qualifying individual" is an individual with a diagnosed intellectual, developmental, cognitive or neurological condition, including autism spectrum disorder, Alzheimer's disease when the individual is under the age of 60, dementia when the individual is under the age of 60, a traumatic brain injury or similar impairments.

The bill also extends the current Good Samaritan immunity to people who provides, obtains or attempts to provide or obtain assistance for a qualifying individual under the purple alert system.

#### **Effective Date:**

60 Days.

### **G. Relevant Existing Laws**

Providing for the Pennsylvania Amber Alert System; authorizing and directing the Pennsylvania State Police to establish and maintain the Pennsylvania Amber Alert System; assessing costs; and providing for immunity and penalties. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Pennsylvania Amber Alert System and Missing Endangered Person Advisory System (MEPAS) established.

(a) Pennsylvania Amber Alert System.--The Pennsylvania State Police shall establish and maintain the Pennsylvania Amber Alert System to assist in the recovery of abducted children through prompt notification to the general public, appropriate law enforcement authorities and other public agencies.

(b) Missing Endangered Person Advisory System (MEPAS).--The Pennsylvania State Police shall establish and maintain the Missing Endangered Person Advisory System to assist in the recovery of missing persons who are at special risk of harm or injury, through prompt notification to the general public, appropriate law enforcement authorities and other agencies.

Section 2. Prohibited use of Amber Alerts.

The transmission, broadcast or other communication of a public alert, other than through the Pennsylvania Amber Alert System, intentionally, knowingly, recklessly or negligently purporting to be made by, with or through the authority of the Pennsylvania Amber Alert System is prohibited and shall be subject to a civil penalty of not more than \$5,000.

Section 3. Coordination with other jurisdictions.

The Pennsylvania State Police shall coordinate with the authorities of the various states and the Federal Government that are responsible within their respective jurisdictions for the recovery of abducted children to establish and execute the procedures appropriate to the effective fulfillment of its responsibilities relating to the Pennsylvania Amber Alert System.

**E. Prior Session** (Previous Bill Numbers & House/Senate Votes)

None.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 72 Session of 2025

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INTRODUCED BY BOROWSKI, GIRAL, KENYATTA, SMITH-WADE-EL,  
McANDREW, HOWARD, PIELLI, CIRESI, HOHENSTEIN, KHAN, GUENST,  
WARREN, SANCHEZ, HILL-EVANS, CEPEDA-FREYTIZ, DONAHUE AND  
BRIGGS, JANUARY 14, 2025

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 14, 2025

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AN ACT

1 Amending the act of April 6, 1951 (P.L.69, No.20), entitled "An  
2 act relating to the rights, obligations and liabilities of  
3 landlord and tenant and of parties dealing with them and  
4 amending, revising, changing and consolidating the law  
5 relating thereto," providing for tenants' rights in cases of  
6 violence.

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

9 Section 1. The act of April 6, 1951 (P.L.69, No.20), known  
10 as The Landlord and Tenant Act of 1951, is amended by adding an  
11 article to read:

12 ARTICLE V-C

13 TENANTS' RIGHTS IN CASES OF VIOLENCE

14 Section 501-C. Definitions.

15 The following words and phrases when used in this article  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 "Attesting third party." A law enforcement official,  
19 licensed health care professional, licensed social worker,

1 victim advocate or victim service provider.

2 "Domestic violence." The occurrence of any of the following  
3 acts between family or household members as that phrase is  
4 defined under 23 Pa.C.S. § 6102(a) (relating to definitions):

5 (1) Intentionally, knowingly or recklessly causing, or  
6 attempting to cause, bodily injury, serious bodily injury or  
7 sexual assault.

8 (2) Placing another individual in reasonable fear of  
9 imminent serious bodily harm.

10 (3) An act of domestic and other violence as defined in  
11 55 Pa. Code § 3042.3 (relating to definitions).

12 (4) The infliction of false imprisonment under 18  
13 Pa.C.S. § 2903 (relating to false imprisonment).

14 "Domestic violence counselor/advocate." As defined in 23  
15 Pa.C.S. § 6102(a).

16 "Eligible tenant." Any of the following:

17 (1) A tenant who is a victim.

18 (2) A tenant who has an immediate family or household  
19 member who is a victim and one of the following apply:

20 (i) the victim resides in the same dwelling unit as  
21 the tenant;

22 (ii) the victim resided within 1,000 feet of the  
23 tenant's dwelling unit at the time of the applicable act  
24 or crime;

25 (iii) the applicable act or crime was committed in  
26 the tenant's dwelling unit or within 1,000 feet of the  
27 tenant's dwelling unit;

28 (iv) the immediate family or household member of the  
29 tenant is a victim of stalking; or

30 (v) the immediate family or household member of the

1 tenant is a victim who was killed in the applicable act  
2 or crime.

3 "Immediate family or household member." Any of the  
4 following:

5 (1) A child or legal ward of the tenant, whether of a  
6 biological, foster, adoptive or step relationship and  
7 regardless of age.

8 (2) A parent, stepparent or legal guardian of a tenant  
9 or of a tenant's spouse or domestic partner or an individual  
10 who stood in loco parentis to the tenant when the tenant was  
11 a minor child.

12 (3) An individual to whom the tenant is legally married  
13 or the domestic partner under the laws of any state or  
14 political subdivision.

15 (4) A sibling, grandparent or grandchild, whether of a  
16 biological, foster, adoptive or step relationship of the  
17 tenant or the tenant's spouse or domestic partner.

18 (5) An individual who resides in the same dwelling unit  
19 as a tenant.

20 "Rape crisis center." As defined in 42 Pa.C.S. § 5945.1(a)  
21 (relating to confidential communications with sexual assault  
22 counselors).

23 "Responsible party." An individual who commits, or is  
24 alleged to have committed, an act of which a tenant or an  
25 immediate family or household member of the tenant is a victim.

26 "Sexual violence." As defined in 42 Pa.C.S. § 62A03  
27 (relating to definitions).

28 "Stalking." As defined in 18 Pa.C.S. § 2709.1 (relating to  
29 stalking).

30 "Tenant." An individual who is a party to a written lease of

1 a dwelling unit and is entitled to possession of the dwelling  
2 unit.

3 "Victim." Any of the following:

4 (1) An individual against whom an act of domestic  
5 violence, sexual violence or stalking was committed or  
6 attempted, regardless of whether a responsible party was  
7 arrested or adjudicated for the commission of a crime.

8 (2) An individual against whom a crime as defined in  
9 section 103 of the act of November 24, 1998 (P.L.882,  
10 No.111), known as the Crime Victims Act, was committed or  
11 attempted, regardless of whether an alleged responsible party  
12 was arrested or adjudicated for the commission of the crime,  
13 if the crime or attempt:

14 (i) directly resulted in the individual's physical  
15 injury or death; or

16 (ii) included the responsible party exhibiting,  
17 drawing, brandishing or using a firearm or other deadly  
18 weapon or instrument and directly resulted in the mental  
19 injury of the individual against whom the crime was  
20 committed.

21 (3) An individual who is an intervenor as defined in  
22 section 103 of the Crime Victims Act in an act or crime  
23 described under paragraph (1) or (2).

24 (4) An individual who was physically present at the  
25 scene of an act or crime described under paragraph (1) or (2)  
26 and witnessed the act or crime and who, as a direct result,  
27 suffers physical or mental injury.

28 "Victim advocate." An individual, whether paid or serving as  
29 a volunteer, who provides services to victims under the auspices  
30 or supervision of a victim service provider, court or law

1 enforcement or prosecution agency.

2 "Victim service provider." An agency or organization that  
3 provides services to victims. The term includes a rape crisis  
4 center or domestic violence counselor/advocate.

5 Section 502-C. Early release or termination of lease.

6 (a) Release authorized.--If a tenant is an eligible tenant  
7 and the tenant needs to relocate as a result of an applicable  
8 act or crime, the tenant may be released from a lease by  
9 providing a notice in accordance with subsection (b).

10 (b) Required release.--

11 (1) An eligible tenant shall be released from a lease if  
12 the tenant provides the landlord with a valid notice under  
13 this subsection no later than 120 days from the date of any  
14 of the following, whichever is later:

15 (i) The most recent occurrence of an act or crime  
16 which makes the tenant an eligible tenant.

17 (ii) A document described under paragraph (2)(ii)  
18 (A), (B), (C), (D), (E) or (F) is issued.

19 (iii) The responsible party is released from a  
20 prison, jail, juvenile detention facility or any other  
21 detention facility or institution.

22 (2) A valid notice from the tenant under paragraph (1)  
23 shall include:

24 (i) A written notice signed by the tenant of the  
25 tenant's intent to be released from the lease as of a  
26 specific date. The written notice under this subparagraph  
27 shall include a statement that the tenant intends to  
28 relocate for the safety or the physical or mental well-  
29 being of the tenant or an immediate family or household  
30 member of the tenant as a direct result of an act of

1 which the tenant or an immediate family or household  
2 member is a victim.

3 (ii) Unless the landlord states in writing that  
4 additional documentation is not necessary, one of the  
5 following:

6 (A) A copy of a valid court order that restrains  
7 the responsible party from contact with the tenant or  
8 an immediate family or household member of the  
9 tenant.

10 (B) A letter from a licensed medical or mental  
11 health provider indicating that the tenant or an  
12 immediate family or household member of the tenant is  
13 a victim.

14 (C) A police report documenting the act of which  
15 the tenant or an immediate family or household member  
16 of the tenant is a victim.

17 (D) Evidence that the responsible party has been  
18 charged with or convicted of an act of which the  
19 tenant or an immediate family or household member of  
20 the tenant is a victim.

21 (E) A written certification form developed by  
22 the Office of Victim Advocate and signed by the  
23 tenant and an attesting third party in accordance  
24 with section 503-C.

25 (F) If the tenant's immediate family or  
26 household member is deceased as a result of a crime,  
27 any of the following:

28 (I) A written verification of death, burial  
29 or memorial services from a mortuary, funeral  
30 home, burial society, crematorium, religious

1 institution, medical examiner or government  
2 agency.

3 (II) A published obituary.

4 (III) A death certificate.

5 (c) Effect of notice.--After a valid notice is provided by a  
6 tenant in accordance with subsection (b), the following shall  
7 apply:

8 (1) The tenant shall be released from the lease no later  
9 than 30 days after the date the notice was provided, or on  
10 the date specified in the notice under subsection (b) (2) (i),  
11 whichever is later, if the tenant vacates the dwelling unit  
12 on or before the applicable date.

13 (2) The tenant shall not be liable for rent or other  
14 obligations under the lease accruing after the date of the  
15 termination.

16 (3) The termination shall not affect the tenant's  
17 obligations or outstanding rents or arrears under the lease  
18 accruing before the date of the termination.

19 (d) Construction.--Nothing in this section shall be  
20 construed to relieve a tenant who is not an eligible tenant from  
21 the tenant's obligations under a lease. If there are multiple  
22 tenants who are parties to a lease, the release of one or more  
23 tenants under this section shall not terminate the lease with  
24 respect to the other nonterminating tenants. A tenant released  
25 from a lease under this section shall not be liable to the  
26 landlord or any other person for rent accruing after the  
27 tenant's release or for actual damages resulting from the  
28 tenant's release from the lease.

29 (e) Limitation.--A tenant may not seek the termination of or  
30 a release from a lease under this section on the basis of an act

1 for which the tenant is the responsible party.

2 Section 503-C. Certification form requirements.

3 (a) Certification form.--The Office of Victim Advocate shall  
4 develop and display on the Office of Victim Advocate's publicly  
5 accessible Internet website a certification form with the  
6 requirements specified under subsection (b).

7 (b) Required information.--

8 (1) A tenant shall verify all of the following  
9 information in the certification form developed by the Office  
10 of Victim Advocate for the purpose of section 502-C(b)(2)(ii)  
11 (E):

12 (i) The tenant's name and the address of the  
13 dwelling unit.

14 (ii) The name of the victim if different from the  
15 tenant's name.

16 (iii) The name of the responsible party if known and  
17 can be safely disclosed.

18 (iv) The approximate dates and locations during  
19 which the act or acts which qualify the tenant as an  
20 eligible tenant occurred, including the most recent date.

21 (v) A statement that the tenant intends to relocate  
22 for the safety or the physical or mental well-being of  
23 the tenant or an immediate family or household member of  
24 the tenant as a direct result of an act of which the  
25 tenant or an immediate family or household member is a  
26 victim.

27 (vi) The date on which the tenant intends to vacate  
28 the dwelling unit.

29 (2) An attesting third party shall verify all of the  
30 following information in the certification form developed by

1 the Office of Victim Advocate for the purpose of section  
2 section 502-C(b) (2) (ii) (E):

3 (i) The name and business telephone number of the  
4 attesting third party.

5 (ii) The capacity in which the attesting third party  
6 received the information that the tenant or an immediate  
7 family or household member was a victim.

8 (iii) A statement that the attesting third party:

9 (A) read the tenant's verification under  
10 paragraph (1) and has been advised by the tenant that  
11 the tenant or an immediate family or household member  
12 of the tenant is a victim;

13 (B) believes that the tenant or an immediate  
14 family or household member of the tenant is a victim;

15 (C) believes the tenant is an eligible tenant;

16 (D) believes that the tenant needs to relocate  
17 for the safety or the physical or mental well-being  
18 of the tenant or an immediate family or household  
19 member of the tenant as a direct result of an act of  
20 which the tenant or an immediate family or household  
21 member is a victim; and

22 (E) understands that the verification under this  
23 paragraph may be used as the basis for releasing the  
24 tenant from a lease.

25 (c) Confidentiality.--Furnishing evidence or providing a  
26 verification under this section or section 502-C shall not waive  
27 a confidentiality or privilege that may exist between the tenant  
28 or victim and a third party.

29 Section 504-C. Change of locks.

30 (a) Right of tenants.--Subject to subsections (b) and (c),

1 if a tenant is an eligible tenant and the tenant has a  
2 reasonable fear that a responsible party or another individual  
3 acting on the responsible party's behalf may attempt to gain  
4 access to the dwelling unit that the tenant leases, the tenant  
5 may change or rekey the locks or other security devices for the  
6 dwelling unit. A tenant who changes or rekeys the locks shall  
7 notify the landlord within 48 hours and make arrangements to  
8 immediately provide a key or other means of access to the  
9 landlord or any other tenant, other than the responsible party,  
10 who is a party to a lease.

11 (b) Right of landlords.--If the locks or other security  
12 devices are changed or rekeyed under subsection (a), the  
13 landlord may change or rekey the locks to ensure compatibility  
14 with the landlord's master key or other means of access or  
15 otherwise accommodate the landlord's reasonable commercial  
16 needs.

17 (c) Prohibition.--If a responsible party is a party to a  
18 lease, a tenant may not change or rekey the locks or other  
19 security devices under subsection (a) unless:

20 (1) there is a court order, other than an ex parte  
21 order, expressly requiring the responsible party to vacate  
22 the dwelling unit or prohibiting the responsible party from  
23 having contact with the tenant or an immediate family or  
24 household member of the tenant who is a victim of the  
25 responsible party; and

26 (2) the tenant provides a copy of the court order under  
27 paragraph (1) to the landlord.

28 (d) Civil relief.--A responsible party shall not be entitled  
29 to damages or other civil relief against a landlord or tenant  
30 who complies in good faith with this section.

1 Section 505-C. Prohibition on certain acts by landlords.

2 (a) Prohibition.--A landlord may not do any of the  
3 following:

4 (1) Assess a fee or penalty against a tenant or  
5 otherwise retaliate against the tenant solely for exercising  
6 a right granted under this article.

7 (2) Consider a tenant for any purpose, due solely to the  
8 tenant exercising a right granted under this article, to have  
9 breached the terms of the lease.

10 (3) By reason of a tenant exercising a right granted  
11 under this article, withhold return to the tenant of a  
12 security deposit or other escrows to which the tenant is  
13 otherwise entitled due to the tenant terminating a lease  
14 under this article. The provisions of Article V shall  
15 otherwise apply with regard to the retention or return of  
16 escrow funds and to other sums that may be withheld by the  
17 landlord. Nothing in this section shall be construed to  
18 affect a tenant's liability for unpaid rent or other amounts  
19 owed to the landlord before the termination of a lease under  
20 this act.

21 (4) Increase or threaten to increase the rent, security  
22 deposit or fees payable under a lease, decrease or threaten  
23 to decrease services required under a lease or this act,  
24 terminate or threaten to terminate a lease, refuse to renew a  
25 lease, serve or threaten to serve a notice to terminate a  
26 periodic tenancy, bring or threaten to bring an action for  
27 possession, refuse to lease a dwelling unit or impose  
28 different rules or selectively enforce the landlord's rules  
29 because of any of the following:

30 (i) A tenant or an immediate family or household

1 member of the tenant is or has been a victim.

2 (ii) A tenant or proposed tenant has previously  
3 exercised a right granted under this article.

4 (iii) Criminal activity occurred relating to an act  
5 or acts of which a tenant or an immediate family or  
6 household member of the tenant is a victim and the tenant  
7 is not a responsible party.

8 (iv) Police or emergency personnel responded to a  
9 good faith complaint of activities relating to an act or  
10 acts of which the tenant or an immediate family or  
11 household member of the tenant is a victim and the tenant  
12 is not a responsible party.

13 (5) Disclose information reported to the landlord in a  
14 notice under section 502-C to another party unless any of the  
15 following apply:

16 (i) The tenant provides specific time-limited and  
17 contemporaneous consent to the disclosure in writing.

18 (ii) The information is required to be disclosed by  
19 a court order or any other Federal or State law.

20 (b) Willful violation.--

21 (1) If a landlord willfully violates this section, a  
22 tenant may terminate a lease or defend an action for  
23 possession on the grounds that the landlord willfully  
24 violated this section or obtain appropriate injunctive  
25 relief.

26 (2) In the action under paragraph (1), the court shall  
27 award the tenant an amount equal to two months' rent, or  
28 double actual damages, whichever is greater.

29 Section 2. The addition of Article V-C of the act shall  
30 apply to leases entered into or extended on or after the

1 effective date of this section.

2 Section 3. This act shall take effect in 120 days.

**LEGISLATIVE REFERENCE BUREAU**

AMENDMENTS TO HOUSE BILL NO. 72

Sponsor: **Briggs**

Printer's No. 60

1 Amend Bill, page 2, line 1, by striking out "victim service  
2 provider." and inserting

3 human services provider as defined under 37 Pa. Code § 411.2  
4 (relating to definitions).

5 "Crime." An act of domestic violence, sexual violence or  
6 stalking or a crime as defined under section 103 of the Crime  
7 Victims Act.

8 Amend Bill, page 2, line 3, by striking out "that phrase is"

9 Amend Bill, page 2, by inserting between lines 17 and 18

10 (2) A tenant who has a household member who is a victim.

11 Amend Bill, page 2, line 18, by striking out "(2)" and  
12 inserting

13 (3)

14 Amend Bill, page 2, line 18, by striking out "or household"

15 Amend Bill, page 2, lines 20 through 22, by striking out all  
16 of lines 20 and 21 and "(ii)" in line 22 and inserting

17 (i)

18 Amend Bill, page 2, line 25, by striking out "(iii)" and  
19 inserting

20 (ii)

21 Amend Bill, page 2, line 27, by inserting after "unit;"

22 or

23 Amend Bill, page 2, lines 28 through 30; page 3, lines 1 and  
24 2; by striking out all of said lines on said pages and inserting

25 (iii) the victim was murdered as a result of the

1 applicable act or crime that took place within the county  
2 in which the tenant's dwelling unit is located or within  
3 25 miles of the county in which the tenant's dwelling  
4 unit is located.

5 "Household member." The tenant's minor child or dependent or  
6 an individual authorized in writing by the landlord to reside in  
7 the dwelling unit. Written authorization must be provided in one  
8 of the following formats:

9 (1) certified mail;

10 (2) Priority Mail through the United States Postal  
11 Service;

12 (3) electronic mail;

13 (4) a form of electronic or digital communication used  
14 by the landlord; or

15 (5) any other form of written communication specified in  
16 the lease.

17 Amend Bill, page 3, line 3, by striking out "or household"

18 Amend Bill, page 3, line 5, by striking out "legal ward" and  
19 inserting

20 dependent

21 Amend Bill, page 3, lines 13 and 14, by striking out "or  
22 political subdivision"

23 Amend Bill, page 3, lines 18 and 19, by striking out all of  
24 said lines and inserting

25 "Murder." An act or conduct that would constitute an offense  
26 under 18 Pa.C.S. § 2502 (relating to murder).

27 Amend Bill, page 3, line 25, by inserting after "family"  
28 member

29 Amend Bill, page 4, line 4, by striking out "of" and  
30 inserting

31 constituting

32 Amend Bill, page 4, line 7, by striking out "arrested or  
33 adjudicated for the commission" and inserting

34 arrested, charged or convicted

35 Amend Bill, page 4, lines 9 and 10, by striking out "act of  
36 November 24, 1998 (P.L.882, No.111), known as the"

1 Amend Bill, page 4, lines 10 and 11, by striking out "or  
2 attempted,"

3 Amend Bill, page 4, line 12, by striking out "arrested or  
4 adjudicated" and inserting  
5 arrested, charged or convicted

6 Amend Bill, page 4, line 13, by striking out "or attempt"

7 Amend Bill, page 4, line 30, by inserting after "provider,"  
8 district attorney or

9 Amend Bill, page 5, line 1, by striking out "or prosecution"

10 Amend Bill, page 5, lines 6 through 9, by striking out all of  
11 said lines and inserting

12 (a) Required release.--An eligible tenant shall be released  
13 from a lease by providing notice in accordance with subsections  
14 (b) and (c). Providing notice in accordance with subsections (b)  
15 and (c) does not constitute a breach of the lease.

16 Amend Bill, page 5, line 10, by striking out "release" and  
17 inserting  
18 notice

19 Amend Bill, page 5, line 24, by inserting after "A"  
20 signed

21 Amend Bill, page 5, lines 24 and 25, by striking out "signed  
22 by the tenant of the tenant's intent to be" and inserting  
23 that the tenant be

24 Amend Bill, page 5, line 29, by inserting after "family"  
25 member

26 Amend Bill, page 6, line 1, by inserting after "family"  
27 member

28 Amend Bill, page 6, line 2, by inserting after "is"  
29 or was

30 Amend Bill, page 6, lines 3 and 4, by striking out "Unless  
31 the landlord states in writing that additional documentation is

1 not necessary, one" and inserting

2 One

3 Amend Bill, page 6, line 5, by inserting after "following"

4 documents

5 Amend Bill, page 6, line 6, by inserting after "order"

6 , other than an ex parte order,

7 Amend Bill, page 6, line 8, by inserting after "family"

8 member

9 Amend Bill, page 6, line 12, by inserting after "family"

10 member

11 Amend Bill, page 6, line 15, by inserting after "family"

12 member

13 Amend Bill, page 6, line 19, by inserting after "family"

14 member

15 Amend Bill, page 6, line 25, by inserting after "family"

16 member

17 Amend Bill, page 6, line 26, by striking out "deceased as a

18 result of a crime" and inserting

19 murdered

20 Amend Bill, page 7, by inserting between lines 4 and 5

21 (3) Valid notice under paragraph (1) must be provided in  
22 one of the following formats:

23 (i) Certified mail.

24 (ii) Priority Mail through the United States Postal  
25 Service.

26 (iii) Electronic mail.

27 (iv) Any other form of written communication  
28 specified in the lease.

29 Amend Bill, page 7, line 11, by striking out ", if" and

30 inserting

31 and

32 Amend Bill, page 7, line 11, by striking out "vacates" and

33 inserting

34 shall vacate

1 Amend Bill, page 7, line 12, by striking out "applicable"

2 Amend Bill, page 7, line 12, by inserting after "date"

3 of termination

4 Amend Bill, page 7, line 13, by inserting after "rent"

5 , early termination fees

6 Amend Bill, page 7, line 19, by striking out "Nothing in this  
7 section shall be" and inserting

8 (1) Nothing in this section shall be

9 Amend Bill, page 7, by inserting between lines 28 and 29

10 (2) Nothing in this section shall be construed to  
11 prohibit a landlord from allowing a tenant to terminate a  
12 lease early for any reason without requiring documentation.

13 Amend Bill, page 8, line 1, by striking out "the" where it  
14 occurs the second time and inserting

15 a

16 Amend Bill, page 8, line 14, by striking out "the" where it  
17 occurs the first time and inserting

18 each

19 Amend Bill, page 8, line 16, by inserting after "if"

20 it is

21 Amend Bill, page 8, line 18, by inserting after "approximate"

22 locations and

23 Amend Bill, page 8, line 18, by striking out "and locations"

24 Amend Bill, page 8, line 19, by striking out "which" where it  
25 occurs the second time and inserting

26 that

27 Amend Bill, page 8, line 23, by inserting after "family"

28 member

29 Amend Bill, page 8, line 25, by inserting after "family"

30 member

31 Amend Bill, page 8, lines 27 and 28, by striking out "vacate

1 the dwelling unit" and inserting

2 terminate the lease

3 Amend Bill, page 8, line 30; page 9, line 1; by striking out  
4 "developed by" in line 30 on page 8 and "the Office of Victim  
5 Advocate" in line 1 on page 9

6 Amend Bill, page 9, line 1, by striking out "section"

7 Amend Bill, page 9, line 7, by inserting after "family"

8 member

9 Amend Bill, page 9, line 11, by inserting after "family"

10 member

11 Amend Bill, page 9, line 14, by inserting after "family"

12 member

13 Amend Bill, page 9, line 18, by inserting after "family"

14 member

15 Amend Bill, page 9, line 20, by inserting after "family"

16 member

17 Amend Bill, page 9, line 28, by striking out "a" and

18 inserting

19 an attesting

20 Amend Bill, page 10, line 4, by inserting after "the" where  
21 it occurs the first time

22 tenant's

23 Amend Bill, page 10, line 4, by striking out "that the tenant  
24 leases"

25 Amend Bill, page 10, line 7, by striking out "48" and

26 inserting

27 24

28 Amend Bill, page 10, lines 20 and 21, by striking out ",

29 other than an ex parte order,"

1 Amend Bill, page 10, line 23, by inserting after "family"

2 member

3 Amend Bill, page 11, line 3, by inserting after "following"

4 with respect to the tenant, provided the tenant is not the  
5 responsible party

6 Amend Bill, page 11, lines 10 through 20, by striking out all  
7 of said lines and inserting

8 (3) Refuse to return a tenant's security deposit solely  
9 because an eligible tenant exercised a right granted under  
10 this article. The provisions of Article V shall otherwise  
11 apply with regard to the retention or return of escrow funds,  
12 including security deposits, and other sums that may be  
13 withheld by the landlord.

14 Amend Bill, page 11, lines 24 and 25, by striking out "refuse  
15 to renew a lease,"

16 Amend Bill, page 11, line 25, by striking out "or" and  
17 inserting

18 a notice to quit or otherwise

19 Amend Bill, page 11, line 25, by striking out "serve a notice  
20 to"

21 Amend Bill, page 11, line 26, by inserting after "tenancy"

22 prior to the end of the term

23 Amend Bill, page 11, line 27, by striking out ", refuse to  
24 lease a dwelling unit"

25 Amend Bill, page 11, line 30, by inserting after "family"

26 member

27 Amend Bill, page 12, lines 4 through 8, by striking out all  
28 of lines 4 through 7 and "(iv)" in line 8 and inserting

29 (iii)

30 Amend Bill, page 12, line 9, by striking out "an" and

31 inserting

32 the

1 Amend Bill, page 12, line 10, by inserting after "family"

2 member

3 Amend Bill, page 12, lines 11 and 12, by striking out "and  
4 the tenant is not a responsible party"

5 Amend Bill, page 12, line 13, by inserting after "Disclose"

6 confidential

7 Amend Bill, page 12, lines 13 and 14, by striking out "in a  
8 notice under section 502-C to another party" and inserting

9 pursuant to this article

10 Amend Bill, page 12, lines 16 and 17, by striking out

11 "specific time-limited and contemporaneous consent to the  
12 disclosure in writing" and inserting

13 written consent

14 Amend Bill, page 12, line 19, by striking out "other"

15 Amend Bill, page 12, by inserting between lines 19 and 20

16 (iii) The information is provided in the normal  
17 course of business to a landlord's professional advisors,  
18 including, but not limited to, an attorney, accountant or  
19 financial advisor. If information is provided to a  
20 professional advisor under this paragraph, the  
21 professional advisor is prohibited from sharing the  
22 information with any other third party.

23 (b) Confidential information.--The following documents and  
24 information contained within the documents shall be confidential  
25 and may not be disclosed, except as provided in subsection (a)  
26 (5):

27 (1) Notice of the eligible tenant's intent to relocate.

28 (2) Medical records of the eligible tenant or tenant's  
29 household member or immediate family member, including  
30 letters from licensed medical or mental health providers  
31 described in section 502-C.

32 (3) Court documents that are not publicly available.

33 (4) Law enforcement records.

34 (5) Written certification forms signed by the tenant and  
35 an attesting third party described in section 503-C.

36 (6) Written verifications of death as described in  
37 section 503-C that are not publicly available.

38 Amend Bill, page 12, line 20, by striking out "(b)" and

1 inserting

2 (c)

3 Amend Bill, page 13, line 2, by striking out "120" and

4 inserting

5 180

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

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<b>Bill No:</b>	HB0072 PN0060	<b>Prepared By:</b>	Michelle Batt, Esq. (717) 705-1880,6792
<b>Committee:</b>	Judiciary	<b>Executive Director:</b>	David Vitale, Esq.
<b>Sponsor:</b>	Borowski, Lisa		
<b>Date:</b>	1/15/2025		

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### **A. Brief Concept**

Amends the Landlord Tenant Act to allow victims of domestic violence to change locks or terminate a lease after proving they are victims of violence.

### **C. Analysis of the Bill**

#### **Early release or termination of lease.**

An eligible tenant who needs to relocate as a result of an applicable act or crime may be released from a lease by providing notice in accordance with this act. The notice must be provided no later than 120 days from the date of any of the following, whichever is later:

(i) The most recent occurrence of an act or crime which makes the tenant an eligible tenant.

(ii) A document which includes one of the following was issued:

(1) A written notice signed by the tenant of the tenant's intent to be released from the lease as of a specific date. The written notice under this subparagraph shall include a statement that the tenant intends to relocate for the safety or the physical or mental well-being of the tenant or an immediate family or household member of the tenant as a direct result of an act of which the tenant or an immediate family or household member is a victim.

(2) Unless the landlord states in writing that additional documentation is not necessary, one of the following:

- A copy of a valid court order that restrains the responsible party from contact with the tenant or an immediate family or household member of the tenant.
- A letter from a licensed medical or mental health provider indicating that the tenant or an immediate family or household member of the tenant is a victim.
- A police report documenting the act of which the tenant or an immediate family or household member of the tenant is a victim.
- Evidence that the responsible party has been charged with or convicted of an act of which the tenant or an immediate family or household member of the tenant is a victim.
- A written certification form developed by the Office of Victim Advocate and signed by the tenant and an attesting third party in accordance with section 503-C.
- If the tenant's immediate family or household member is deceased as a result of a crime, either (1) written verification of death, burial or memorial services from a mortuary funeral home, burial society, crematorium, religious institution, medical examiner or government agency, (2) a published obituary, or (3) a death certificate.

(iii) The responsible party is released from a prison, jail, juvenile detention facility or any other detention facility or institution.

Upon a valid notice being provided as above, the tenant shall be released from the lease no later than 30 days after the notice was provided, or on the date specified in the notice, whichever is later, if the tenant vacates the dwelling unit on or before the applicable date.

The tenant shall not be liable for rent or other obligations accruing after the date of termination, but termination does not affect tenant's obligations or outstanding rents or arrears under the lease which accrue before the termination date.

Nothing in the bill may be construed to relieve a tenant who is not an eligible tenant from lease obligations. If there are multiple tenants who are parties to a lease, release of one or more tenants does not terminate the lease with respect to the other non-terminating tenants. A tenant release from a lease shall not be liable to the landlord or any other person for rent accruing after the release or for actual damages resulting from release from the lease. A tenant may not seek termination of or release from the lease on the basis of an act for which tenant is the responsible party.

### **OVA duties.**

The Office of Victim Advocate must develop and display on its publicly accessible website a certification form with the requirements for notice as set forth above. An attesting third-party must verify the following in the certification form developed by OVA:

- (i) The name and business telephone number of the attesting third party.
- (ii) The capacity in which the attesting third party received the information that the tenant or a family or household member was a victim.
- (iii) A statement that the attesting third party:
  - (A) read the tenant's verification and has been advised by the tenant that the tenant or a family or household member of the tenant is a victim;
  - (B) believes that the tenant or a family or household member of the tenant is a victim;
  - (C) believes the tenant is an eligible tenant;
  - (D) believes that the tenant needs to relocate for the safety or the physical, mental or financial well-being of the tenant or a family or household member of the tenant as a direct result of an act of which the tenant or a family or household member is a victim; and
  - (E) understands that the verification under this paragraph may be used as the basis for releasing the tenant from a lease.

### **Changing the locks.**

If an eligible tenant has a reasonable fear that a responsible party or another individual acting on behalf of the responsible party may attempt to gain access to the dwelling unit leased by the tenant, the tenant may change or rekey the locks or other security devices for the dwelling unit. The tenant must notify the landlord within 48 hours and provide a key or other means of access to the landlord or any other tenant, other than the responsible party, who is party to the lease. If the locks or other security devices are changed or rekeyed, the landlord may change or rekey the locks to ensure compatibility with the master key or other means of access or otherwise accommodate the landlord's reasonable commercial needs.

A very responsible party is party to the lease, the tenant may not change or rekey the locks or other security devices unless there is a court order, other than an ex parte order, expressly requiring the responsible party to vacate the dwelling unit or prohibiting responsible party from having contact with the tenant or family or household member of the tenant who is a victim of the responsible party and the tenant provides a copy of the court order to the landlord.

**Prohibited actions of the landlord.** A landlord may not do any of the following:

- (1) Assess a fee or penalty against a tenant or otherwise retaliate against the tenant solely for exercising a right granted under this article.
- (2) Consider a tenant for any purpose, due solely to the tenant exercising a right granted under this article, to have breached the terms of the

lease. (3) By reason of a tenant exercising a right granted under this article, withhold return to the tenant of a security deposit or other escrows to which the tenant is otherwise entitled due to the tenant terminating a lease under this article. The provisions of Article V shall otherwise apply with regard to the retention or return of escrow funds and to other sums that may be withheld by the landlord. Nothing in this section shall be construed to affect a tenant's liability for unpaid rent or other amounts owed to the landlord before the termination of a lease under this act. (4) Increase or threaten to increase the rent, security deposit or fees payable under a lease, decrease or threaten to decrease services required under a lease or this act, terminate or threaten to terminate a lease, refuse to renew a lease, serve or threaten to serve a notice to terminate a periodic tenancy, bring or threaten to bring an action for possession, refuse to lease a dwelling unit or impose different rules or selectively enforce the landlord's rules because of any of the following: (i) A tenant or an immediate family or household member of the tenant is or has been a victim. (ii) A tenant or proposed tenant has previously exercised a right granted under this article. (iii) Criminal activity occurred relating to an act or acts of which a tenant or an immediate family or household member of the tenant is a victim and the tenant is not a responsible party. (iv) Police or emergency personnel responded to a good faith complaint of activities relating to an act or acts of which the tenant or an immediate family or household member of the tenant is a victim and the tenant is not a responsible party. (5) Disclose information reported to the landlord in a notice under section 502-C to another party unless any of the following apply: (i) The tenant provides specific time-limited and contemporaneous consent to the disclosure in writing. (ii) The information is required to be disclosed by a court order or any other Federal or State law.

If a landlord willfully violates this section, a tenant may terminate a lease or defend an action for possession on the grounds that the landlord willfully violated this section or obtain appropriate injunctive relief, and the court shall award the tenant an amount equal to two months' rent, or double actual damages, whichever is greater.

#### **Definitions.**

"Attesting third party." A law enforcement official, licensed health care professional, licensed social worker, victim advocate or victim service provider.

"Domestic violence." The occurrence of any of the following acts between family or household members as defined in 23 Pa.C.S. § 6102(a) (relating to definitions): (1) Intentionally, knowingly or recklessly causing, or attempting to cause, bodily injury, serious bodily injury or sexual assault. (2) Placing another individual in reasonable fear of imminent serious bodily harm. (3) An act of domestic and other violence as defined in 55 Pa. Code § 3041.3 (relating to definitions). (4) The infliction of false imprisonment under 18 Pa.C.S. § 2903 (relating to false imprisonment).

"Domestic violence counselor/advocate." As defined in 23 Pa.C.S. § 6102(a).

"Eligible tenant." Any of the following: (1) A tenant who is a victim. (2) A tenant who has an immediate family or household member who is a victim and one of the following apply:

- i. the victim resides in the same dwelling unit as the tenant;
- ii. the victim resided within 1,000 feet of the tenant's dwelling unit at the time of the applicable act or crime;
- iii. the applicable act or crime was committed in the tenant's dwelling unit or within 1,000 feet of the tenant's dwelling unit;
- iv. the immediate family or household member of the tenant is a victim of stalking; or
- v. the immediate family or household member of the tenant is a victim who was killed in the applicable act or crime.

"Immediate family or household member." Any of the following:

1. A child or legal ward of the tenant whether of a biological, foster, adoptive or step relationship and regardless of age.
2. A parent, stepparent or legal guardian of a tenant or of a tenant's spouse or domestic partner or an individual who stood in loco parentis to the tenant when the tenant was a minor child.

3. An individual to whom the tenant is legally married or the domestic partner under the laws of any state or political subdivision.
4. A sibling, grandparent or grandchild whether of a biological, foster, adoptive or step relationship of the tenant or the tenant's spouse or domestic partner.
5. An individual who resides in the same dwelling unit as a tenant.

"Rape crisis center." As defined in 42 Pa.C.S. § 5945.1(a) (relating to confidential communications with sexual assault counselors).

"Responsible party." An individual who commits, or is alleged to have committed, an act of which a tenant or an immediate family or household member of the tenant is a victim.

"Sexual violence." As defined in 42 Pa.C.S. § 62A03 (relating to definitions).

"Stalking." As defined in 18 Pa.C.S. § 2709.1 (relating to stalking).

"Tenant." An individual who is a party to a written lease of a dwelling unit and is entitled to possession of the dwelling unit.

"Victim." Any of the following:

(1) An individual against whom an act of domestic violence, sexual violence or stalking was committed or attempted, regardless of whether a responsible party was arrested or adjudicated for the commission of a crime.

(2) An individual against whom a crime as defined in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, was committed or attempted, regardless of whether an alleged responsible party was arrested or adjudicated for the commission of the crime, if the crime or attempt: (i) directly resulted in the individual's physical injury or death; or (ii) included the responsible party exhibiting, drawing, brandishing or using a firearm or other deadly weapon or instrument and directly resulted in the mental injury of the individual against whom the crime was committed.

(3) An individual who is an intervenor as defined in section 103 of the Crime Victims Act in an act or crime described under paragraph (1) or (2).

(4) An individual who was physically present at the scene of an act or crime described under paragraph (1) or (2) and witnessed the act or crime and who, as a direct result suffers physical or mental injury.

"Victim advocate." An individual, whether paid or serving as a volunteer, who provides services to victims under the auspices or supervision of a victim service provider, court or law enforcement or prosecution agency. "Victim service provider." An agency or organization that provides services to victims. The term includes a rape crisis center or domestic violence counselor/advocate.

#### **Effective Date:**

120 Days.

#### **G. Relevant Existing Laws**

Act 116 of 2016, amended the Landlord and Tenant Act by adding provisions for early termination of a lease if a tenant dies. The need for this legislation (HB 447 of 2016) was to protect consumers from the "death penalty" contract provision practiced by landlords. Many landlords include a provision in their leases requiring a tenant's estate to pay penalties and rent ranging anywhere from one month up to a full year should the tenant die.

Act 116 of 2016, removed the estate of the deceased tenant from being liable for any rent that has accrued one month after the tenant's death or upon surrender of the rental unit and

removal of all personal property, whichever is the later.

**E. Prior Session** (Previous Bill Numbers & House/Senate Votes)

House Bill 1441 of 2023, passed the House 116-86 on June 27, 2024, and the House Judiciary Committee 14-11 on November 14, 2023.

House Bill 1051 (Dean) of 2016 is similar to this bill and passed the House Urban Affairs Committee 22-1, on May 17, 2016.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 443 Session of  
2025

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INTRODUCED BY BRIGGS, HOWARD, SANCHEZ, KINKEAD, HILL-EVANS,  
WEBSTER, KHAN, GIRAL, KENYATTA, CERRATO, CEPEDA-FREYTIZ,  
PIELLI, MAYES, GUENST, HOHENSTEIN, DONAHUE, D. WILLIAMS, BOYD  
AND GREEN, FEBRUARY 3, 2025

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 3, 2025

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 61 (Prisons and  
2 Parole) of the Pennsylvania Consolidated Statutes, in  
3 authorized disposition of offenders, further providing for  
4 sentence for murder, murder of unborn child and murder of law  
5 enforcement officer and for sentence of persons under the age  
6 of 18 for murder, murder of an unborn child and murder of a  
7 law enforcement officer; and, in Pennsylvania Board of  
8 Probation and Parole, further providing for parole power.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Sections 1102(b) and 1102.1(c) of Title 18 of the  
12 Pennsylvania Consolidated Statutes are amended to read:

13 § 1102. Sentence for murder, murder of unborn child and murder  
14 of law enforcement officer.

15 \* \* \*

16 (b) Second degree.--Except as provided under section 1102.1,  
17 a person who has been convicted of murder of the second degree,  
18 of second degree murder of an unborn child or of second degree  
19 murder of a law enforcement officer shall be sentenced to a term  
20 of [life] imprisonment of not more than 50 years.

1 \* \* \*

2 § 1102.1. Sentence of persons under the age of 18 for murder,  
3 murder of an unborn child and murder of a law  
4 enforcement officer.

5 \* \* \*

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

12 (1) A person who at the time of the commission of the  
13 offense was 15 years of age or older shall be sentenced to a  
14 term of imprisonment [the minimum of which shall be at least  
15 30 years to life] of not more than 40 years.

16 (2) A person who at the time of the commission of the  
17 offense was under 15 years of age shall be sentenced to a  
18 term of imprisonment [the minimum of which shall be at least  
19 20 years to life] of not more than 30 years.

20 \* \* \*

21 Section 2. Section 6137(a)(1) and (3) of Title 61 are  
22 amended and the subsection is amended by adding a paragraph to  
23 read:

24 § 6137. Parole power.

25 (a) General criteria for parole.--

26 (1) The board may parole subject to consideration of  
27 guidelines established under 42 Pa.C.S. § 2154.5 (relating to  
28 adoption of guidelines for parole) or subject to section  
29 6137.1 (relating to short sentence parole) and such  
30 information developed by or furnished to the board under

1 section 6174 (relating to right of access to offenders), or  
2 both, and may release on parole any offender to whom the  
3 power to parole is granted to the board by this chapter,  
4 except an offender condemned to death or serving life  
5 imprisonment for a conviction under 18 Pa.C.S. § 2502(a)  
6 (relating to murder), whenever in its opinion:

7 (i) The best interests of the offender justify or  
8 require that the offender be paroled.

9 (ii) It does not appear that the interests of the  
10 Commonwealth will be injured by the offender's parole.

11 \* \* \*

12 (3) The power to parole granted under this section to  
13 the board may not be exercised in the board's discretion at  
14 any time before, but only after, the expiration of the  
15 minimum term of imprisonment fixed by the court in its  
16 sentence or by the Board of Pardons in a sentence which has  
17 been reduced by commutation[.], except as follows:

18 (i) Notwithstanding 42 Pa.C.S. § 9757 (relating to  
19 consecutive sentences of total confinement for multiple  
20 offenses), the board may grant parole 25 years after the  
21 date of incarceration for an offender sentenced to life  
22 imprisonment under 18 Pa.C.S. § 1102(b) (relating to  
23 sentence for murder, murder of unborn child and murder of  
24 law enforcement officer).

25 (ii) Notwithstanding 42 Pa.C.S. § 9757, the board  
26 may grant parole 20 years after the date of incarceration  
27 for an offender sentenced under 18 Pa.C.S. § 1102.1(c)(1)  
28 (relating to sentence of persons under the age of 18 for  
29 murder, murder of an unborn child and murder of a law  
30 enforcement officer).

1           (iii) Notwithstanding 42 Pa.C.S. § 9757, the board  
2 may grant parole 15 years after the date of incarceration  
3 for an offender sentenced under 18 Pa.C.S. § 1102.1(c)  
4 (2).

5           (iv) Before parole may be granted under subparagraph  
6 (i), (ii) or (iii), the board must give primary  
7 consideration to the protection of the public and to  
8 victim safety. In addition to the considerations required  
9 under 42 Pa.C.S. § 2154.5, when determining whether to  
10 grant parole under subparagraph (i), (ii) or (iii), the  
11 board shall consider the level of culpability of the  
12 person in the underlying murder, including whether the  
13 person directly caused or intended to cause a death.

14           \* \* \*

15           (3.2) The power to parole a person under paragraph (3)  
16 (i), (ii) or (iii) may only be utilized if the victims of the  
17 underlying offense have been notified that parole is being  
18 considered and are given the opportunity to be heard by the  
19 board, unless there is good cause that notice or the  
20 opportunity to be heard could not be provided. Nothing in  
21 this paragraph shall be construed to reduce, alter or  
22 eliminate any rights of a victim under section 201 of the act  
23 of November 24, 1998 (P.L.882, No.111), known as the Crime  
24 Victims Act.

25           \* \* \*

26           Section 3. The addition of 61 Pa.C.S. § 6137(a) (3) (i), (ii),  
27 (iii) and (iv) and (3.2) shall apply to the incarceration of an  
28 offender sentenced before, on or after the effective date of  
29 this section.

30           Section 4. This act shall take effect in 60 days.

**LEGISLATIVE REFERENCE BUREAU**

AMENDMENTS TO HOUSE BILL NO. 443

Sponsor: **Briggs**

Printer's No. 421

1 Amend Bill, page 3, lines 5 and 6, by striking out "for a  
2 conviction under 18 Pa.C.S. § 2502(a) (relating to murder)" and  
3 inserting  
4 other than a sentence of life imprisonment for second  
5 degree murder imposed prior to March 26, 2026  
6 Amend Bill, page 4, line 30, by striking out "in 60 days" and  
7 inserting  
8 immediately

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

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<b>Bill No:</b>	HB0443 PN0421	<b>Prepared By:</b>	David Vitale, Esq. (717) 705-1880,6792
<b>Committee:</b>	Judiciary	<b>Executive Director:</b>	David Vitale, Esq.
<b>Sponsor:</b>	Briggs, Tim		
<b>Date:</b>	2/3/2025		

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### A. Brief Concept

Provides individuals sentenced to life in prison without the possibility of parole for felony murder an opportunity for meaningful consideration of release based upon their individual culpability and the circumstances surrounding their crime.

### C. Analysis of the Bill

This bill is required to address the Pennsylvania Supreme Court's decision in Commonwealth v. Lee, No. 3 WAP 2024, March 26, 2026, where the Court determined a mandatory life sentence without the possibility of parole for a conviction for felony murder is "cruel" and violated section 13 of Article I of the Pennsylvania Constitution.

#### **Felony Murder:**

"Second degree murder covers a wide variety of criminal conduct and varying culpability for a killing. This degree of murder is somewhat of an anomaly, as the malice necessary to support deeming the act to be murder is inferred from the commission of the underlying felony. That is, it requires only an intent to commit the underlying felony, not the killing. Thus, unlike first degree murder, one may be convicted of second-degree murder without malice (regarding the killing of the victim), without attempting to kill the victim, or without having any intent to kill the victim. Stated in more colloquial terms, second degree murder does not distinguish between the lookout, and the killer who pulls the trigger. Despite this wide-ranging conduct and differing degrees of culpability, both the killer and the lookout will be subjected to mandatory life imprisonment without the possibility of parole." *Lee* pg. 63.

"Additionally, second degree murder is an outlier, as it is one of the few crimes in Pennsylvania that has only one possible sentence: mandatory life without parole. Most other crimes allow the judge or jury some discretion in imposing a sentence, at least within a certain range. Such discretion allows for consideration of the offender's characteristics and culpability in fashioning an appropriate punishment." "Thus, by its terms, the mandatory penalty scheme of life without parole for all offenders convicted of second-degree murder fails to assess individual culpability regarding the intent to kill and mandates the same punishment regardless of that culpability." *Lee* pg. 63.

In conclusion the Court summarized, "[f]inally, the mandatory nature of the sentencing scheme without individualized sentencing lacks adequate penological justification. Ultimately, we find that the mandatory sentencing scheme for second degree murder poses too great a risk of disproportionate punishment, and, thus, find it to be cruel." *Lee* pg. 69.

The Court stayed the order for 120 days to provide a reasonable amount of time for the General Assembly to consider remedial measures. *Lee* pg. 2.

#### **The following changes are designed to address the constitutional infirmities with our current felony murder rule:**

Prospective sentence changes: Changes sentencing prospectively for convictions for second-degree murder.

It changes the penalty for second-degree murder from death by incarceration to not more than 50 years for a person who was 18 years of age or older at the time of the offense. There is no minimum sentence applicable in such circumstances.

Changes the penalty from 30 years to life to not more than 40 years if at the time of the commission of the offense the person was 15 years of age or older.

Changes the penalty from 20 years to life to not more than 30 years if at the time of commission of the offense the person was less than 15 years of age

**The Lee Court held "that offenders convicted of second-degree murder must receive a meaningful consideration of release, based upon their individual culpability and the circumstances surrounding their crime." Lee pg. 70.**

Meaningful Consideration of Release:

The bill allows the parole board to parole persons who have already been sentenced to death by incarceration for second-degree murder.

For an adult who was sentenced to death by incarceration, the board may grant parole 25 years after the date of incarceration. For a person serving a sentence for 2nd degree murder committed when they were 15 years of age or older, the board may grant parole after the person served 20 years. For a person serving a sentence of for second-degree murder who was under 15 at the time they committed the offense, the board may grant parole for 15 years after the date of incarceration.

**Not Required by the Lee decision but included to provide victims protection and a right to participate in the process:**

When deciding whether to parole such offenders, the Board must give primary consideration to protection of the public and victim safety. The Board must also consider the level of culpability of the person in the underlying murder, including but not limited to whether the person directly caused or intended to cause a death.

The power to parole may only be utilized after the victims of the underlying offense are notified that parole is being considered and are given an opportunity to be heard by the Board unless there is good cause that notice or opportunity to be heard cannot be provided. Nothing in the bill may be construed to reduce, alter or eliminate any rights of a victim under Section 201 of the Crime Victims Act.

**Effective Date:**

60 Days.

**G. Relevant Existing Laws**

Title 18 Section 6137 (Parole Power) currently holds that inmates condemned to death or serving life sentences are not granted parole.

Title 18, Section 1102(b) (Sentences for 2nd Degree Murder) of the Crimes Code provides that a person who has been convicted of 2nd Degree Murder, including 2nd Degree Murder of an unborn child or law enforcement officer, shall be sentenced to a term of life imprisonment. Section 1102.1 (Sentencing of Minors for Murder) provides for the following sentences for 2nd Degree Murder:

- If the defendant was 15 years of age or older, the court shall sentence the defendant to a minimum of 30 years to life.
- If the defendant was under 15 years of age, the court shall sentence the defendant to a minimum of 20 years to life.

### Commonwealth v. Lee

On March 26, 2026, the Pennsylvania Supreme Court issued an opinion in Commonwealth v. Lee that ruled a mandatory life sentence without parole sentence for 2nd Degree Murder, absent an assessment of culpability, is unconstitutional under Section 13 (the "cruel punishments clause") of the Pennsylvania Constitution. The Court held that offenders convicted of second-degree murder must receive a meaningful consideration of release, based upon their individual culpability and the circumstances surrounding their crime. The Court stayed the decision for 120 days to provide the General Assembly time to consider remedial measures.

Felony murder, which is codified in Pennsylvania as second degree murder, is a criminal homicide that takes place while a defendant is "engaged as a principal or an accomplice in the perpetration of a felony." 18 Pa.C.S. § 2502(b). Pennsylvania limits those triggering felonies to "robbery, rape, or deviate sexual intercourse by force or threat of force, arson, burglary or kidnapping." 18 Pa.C.S. § 2502(d). As noted, the malice necessary to find the act to be murder is inferred from the commission of the underlying felony, resulting in an offender who did not kill, attempt to kill, or intend to kill subject to conviction of second-degree murder. Yet, despite these substantial differences between first degree murder and second degree murder, a conviction for second degree murder results in the same mandatory sentence as noncapital defendants convicted of first degree murder: life imprisonment without the possibility of parole. 18 Pa.C.S. § 1102(b); 61 Pa.C.S. § 6137(a)(1). See Lee pg. 64.

### **E. Prior Session (Previous Bill Numbers & House/Senate Votes)**

House Bill 2296 of 2023.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1104 Session of  
2025

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INTRODUCED BY KRUEGER, BRENNAN, HOWARD, GIRAL, PIELLI, HANBIDGE,  
KAZEEM, MAYES, HILL-EVANS, SANCHEZ, MADDEN, DONAHUE,  
KENYATTA, FREEMAN, CIRESI, CERRATO, MALAGARI, STEELE AND  
SCHLOSSBERG, APRIL 3, 2025

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REFERRED TO COMMITTEE ON HEALTH, APRIL 3, 2025

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in rules of evidence,  
3 further providing for subpoena of records.

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

6 Section 1. Section 6152(a)(2)(i) of Title 42 of the  
7 Pennsylvania Consolidated Statutes is amended to read:

8 § 6152. Subpoena of records.

9 (a) Election.--

10 \* \* \*

11 (2) (i) Except as provided in subparagraph (ii), the  
12 health care provider or facility or a designated agent  
13 shall be entitled to receive payment of the amounts under  
14 this subsection before producing the charts or records  
15 pursuant to a subpoena. The payment shall be \$20.62 for  
16 searching for and retrieving the records, \$1.39 per page  
17 for the first 20 pages, \$1.03 per page for pages 21

1 through 60 and 34¢ per page for pages 61 and thereafter  
2 for paper copies or reproductions on electronic media  
3 whether the records are stored on paper or in electronic  
4 format; \$2.04 per page for copies from microfilm; plus  
5 the actual cost of postage, shipping or delivery. No  
6 other charges for the retrieval, copying and shipping or  
7 delivery of medical records other than those set forth in  
8 this paragraph shall be permitted without prior approval  
9 of the party requesting the copying of the medical  
10 records. The amounts which may be charged shall be  
11 adjusted annually beginning on January 1, 2013, by the  
12 Secretary of Health of the Commonwealth based on the most  
13 recent changes in the consumer price index reported  
14 annually by the Bureau of Labor Statistics of the United  
15 States Department of Labor. If copies are requested in an  
16 electronic format, the total payment under this  
17 subparagraph may not exceed \$200.

18 \* \* \*

19 Section 2. This act shall take effect in 60 days.

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

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<b>Bill No:</b>	HB1104 PN1225	<b>Prepared By:</b>	Michelle Batt, Esq. (717) 705-1880,6792
<b>Committee:</b>	Judiciary	<b>Executive Director:</b>	David Vitale, Esq.
<b>Sponsor:</b>	Krueger, Leanne, and; Brennan, Tim		
<b>Date:</b>	5/19/2025		

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### **A. Brief Concept**

Caps the fee's for obtaining electronic medical records.

### **C. Analysis of the Bill**

Amends Sections 6152(a)(2) of Title 42 to cap the fee charged for electronic medical records to \$200.00.

Specifically, if copies are requested in an electronic format, the total payment under this subparagraph may not exceed \$200.

### **Effective Date:**

60 Days.

### **G. Relevant Existing Laws**

Title 42 § 6152. Subpoena of records.

(a) Election.--

\*\*\*

(2) (i) Except as provided in subparagraph (ii), the health care provider or facility or a designated agent shall be entitled to receive payment of the amounts under this subsection before producing the charts or records pursuant to a subpoena. The payment shall be \$20.62 for searching for and retrieving the records, \$1.39 per page for the first 20 pages, \$1.03 per page for pages 21 through 60 and 34¢ per page for pages 61 and thereafter for paper copies or reproductions on electronic media whether the records are stored on paper or in electronic format; \$2.04 per page for copies from microfilm; plus the actual cost of postage, shipping or delivery. No other charges for the retrieval, copying and shipping or delivery of medical records other than those set forth in this paragraph shall be permitted without prior approval of the party requesting the copying of the medical records. The amounts which may be charged shall be adjusted annually beginning on January 1, 2013, by the Secretary of Health of the Commonwealth based on the most recent changes in the consumer price index reported annually by the Bureau of Labor Statistics of the United States Department of Labor.

(ii) Payment to a health care provider or facility for searching for, retrieving and reproducing medical charts or records requested by a district attorney shall be \$20.62, search and retrieval fee, plus the actual cost of postage, shipping or delivery as described in subparagraph (i), as adjusted by the Secretary of Health of the Commonwealth, unless otherwise agreed to by the district attorney.

\*\*\*

§ 6155. Rights of patients.

\*\*\*

(b) Rights to records generally.--

(1) A patient or his designee, including his attorney, shall have the right of access to his medical charts and records and to obtain photocopies of the same, without the use of a subpoena duces tecum, for his own use. A health care provider or facility shall not charge a patient or his designee, including his attorney, a fee in excess of the amounts set forth in section 6152(a)(2)(i) (relating to subpoena of records).

\*\*\*

#### **E. Prior Session (Previous Bill Numbers & House/Senate Votes)**

HB 2198 of 2024 was referred to the House Judiciary on April 9, 2024. It was reported as amended (PN3320) on June 12, 2024 14-11 along party lines. Also on June 12, this bill was re-committed to Rules. The bill was re-reported as committed on June 26, 2024 18-15 along party lines. Also on June 26, this bill was re-committed to Appropriations. The bill was re-reported as committed on June 27, 2024 by a unanimous vote. The bill then passed the house on a vote of 137 to 65. It was then referred to the Senate Judiciary Committee and received no further consideration.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1247 Session of  
2025

INTRODUCED BY HANBIDGE, GIRAL, CEPEDA-FREYTIZ, HILL-EVANS, KHAN,  
OTTEN, HOWARD, SANCHEZ, HOHENSTEIN, SHUSTERMAN, SCHLOSSBERG  
AND WARREN, APRIL 17, 2025

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 17, 2025

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in rules of evidence,  
3 providing for prohibition of deception during custodial  
4 interrogation of individual with intellectual disability or  
5 autism.

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

8 Section 1. Title 42 of the Pennsylvania Consolidated  
9 Statutes is amended by adding a section to read:

10 § 6145. Prohibition of deception during custodial interrogation  
11 of individual with intellectual disability or autism.

12 (a) Prohibition.--A law enforcement officer may not use  
13 deception during a custodial interrogation of an individual with  
14 an intellectual disability or autism.

15 (b) Confession inadmissible.--An oral, a written or a sign  
16 language confession of an individual with an intellectual  
17 disability or autism made as the result of a custodial  
18 interrogation conducted at a police station or other place of  
19 detention on or after the effective date of this section shall

1 be presumed to be inadmissible as evidence against the  
2 individual making the confession in a criminal proceeding or a  
3 juvenile court proceeding for an act that, if committed by an  
4 adult, would be a misdemeanor offense or felony offense under 18  
5 Pa.C.S. (relating to crimes and offenses) if, during the  
6 custodial interrogation, a law enforcement officer knowingly  
7 engages in deception. The following apply:

8       (1) The presumption of inadmissibility of the confession  
9 may be overcome by a preponderance of the evidence that the  
10 confession was voluntarily given, based on the totality of  
11 the circumstances.

12       (2) The burden of going forward with the evidence and  
13 the burden of proving that the confession was voluntary shall  
14 be on the Commonwealth.

15       (3) An objection to the failure of the Commonwealth to  
16 call all material witnesses on the issue of whether the  
17 confession was voluntary must be made in the trial court.

18       (c) Definitions.--As used in this section, the following  
19 words and phrases shall have the meanings given to them in this  
20 subsection unless the context clearly indicates otherwise:

21       "Adult." An individual who is 18 years of age or older.

22       "Custodial interrogation." An interrogation of an individual  
23 during which:

24           (1) the freedom of movement of the individual is  
25 restrained by a law enforcement officer, even if the  
26 individual is not under arrest, as determined by a reasonable  
27 person under similar circumstances; and

28           (2) a question is asked that is reasonably likely to  
29 elicit an incriminating response from the individual.

30       "Deception." The knowing communication of false facts about

1 evidence or unauthorized statements regarding leniency by a law  
2 enforcement officer to an individual subject to custodial  
3 interrogation.

4 "Individual with an intellectual disability or autism." As  
5 defined in section 5992 (relating to definitions).

6 "Law enforcement officer." As defined in section 5950(d)  
7 (relating to confidential communications involving law  
8 enforcement officers).

9 "Minor." An individual who is under 18 years of age.

10 "Place of detention." A building or police station that is a  
11 place of operation for a State or municipal police department,  
12 county sheriff department or any other law enforcement agency at  
13 which individuals are or may be held in detention in connection  
14 with criminal charges or allegations that those individuals are  
15 delinquent minors.

16 Section 2. This act shall take effect in 60 days.

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

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<b>Bill No:</b>	HB1247 PN1396	<b>Prepared By:</b>	Michelle Batt, Esq. (717) 705-7011,6791
<b>Committee:</b>	Judiciary	<b>Executive Director:</b>	David Vitale, Esq.
<b>Sponsor:</b>	Hanbidge, Liz		
<b>Date:</b>	4/25/2025		

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### **A. Brief Concept**

Protects individuals with autism and/or intellectual disabilities from deceptive interrogation tactics.

### **C. Analysis of the Bill**

Amends Title 42 by adding §6145 to prohibit a law enforcement officer from using deception during a custodial interrogation of an individual with an intellectual disability or autism.

An oral, written or sign language confession of an individual with an intellectual disability or autism made as the result of a custodial interrogation conducted at a police station or other place of detention shall be presumed to be inadmissible as evidence against the individual making the confession in a criminal proceeding or juvenile proceeding, if committed by an adult, would be a misdemeanor or felony if, during the custodial interrogation, a law enforcement officer knowingly engages in deception.

However, the presumption of inadmissibility of a confession may be overcome by a preponderance of the evidence if, based on the totality of the circumstances, the confession or statement was voluntarily given by the defendant and the confession or statement would have otherwise been provided to the law enforcement officer if the confession or statement had not been obtained through deceptive practices.

### **Definitions.**

- "Adult." An individual who is 18 years of age or older.
- "Custodial interrogation." An interrogation of an individual during which: (1) the freedom of movement of the individual is restrained by a law enforcement officer, even if the individual is not under arrest, as determined by a reasonable person under similar circumstances; and (2) a question is asked that is reasonably likely to elicit an incriminating response from the individual.
- "Deception." The knowing communication of false facts about evidence or unauthorized statements regarding leniency by a law enforcement officer to an individual subject to custodial interrogation.
- "Individual with an intellectual disability or autism." As defined in section 5992 (relating to definitions).
- "Law enforcement officer." As defined in section 5950(d)(relating to confidential communications involving law enforcement officers).
- "Minor." An individual who is under 18 years of age.
- "Place of detention." A building or police station that is a place of operation for a State or municipal police department, county sheriff department or any other law enforcement agency at which persons are or may be held in detention in connection with criminal charges or allegations that those persons are delinquent minors.

### **Effective Date:**

60 Days.

## **G. Relevant Existing Laws**

### SUBCHAPTER E

#### VICTIMS AND WITNESSES WITH INTELLECTUAL DISABILITIES OR AUTISM

Sec. 5991. Declaration of policy.

Sec. 5992. Definitions.

Sec. 5993. Admissibility of certain statements.

§ 5991. Declaration of policy.

In order to promote the best interests of residents of this Commonwealth with intellectual disabilities or autism who are material witnesses or victims of crime, the General Assembly declares its intent, in this subchapter, to provide, where necessity is shown, procedures that will protect material witnesses or victims of crime with intellectual disabilities or autism during their involvement with the criminal justice system.

§ 5992. Definitions.

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

"Autism spectrum disorder." Any of the pervasive developmental disorders defined by the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), including autistic disorder, Asperger's disorder and pervasive developmental disorder not otherwise specified.

"Individual with an intellectual disability or autism." As follows:

(1) Regardless of the age of the individual, an individual with significantly subaverage general intellectual functioning that is accompanied by significant limitations in adaptive functioning in at least two of the following skill areas:

- i. Communication.
- ii. Self-care.
- iii. Home living.
- iv. Social and interpersonal.
- v. Use of community resources.
- vi. Self-direction.
- vii. Functional academic.
- viii. Work.
- ix. Health and safety.

(2) The term also includes an individual, regardless of age, who has an autism spectrum disorder.

§ 5993. Admissibility of certain statements.

(a) General rule.--An out-of-court statement made by an individual with an intellectual disability or autism who is a victim or witness describing any of the offenses enumerated in subsection (b), not otherwise admissible by statute or rule of evidence, is admissible in evidence in any criminal or civil proceeding if:

(1) the court finds, in an in camera hearing, that the evidence is relevant and that the time, content and circumstances of the statement provide sufficient indicia of reliability; and

(2) the individual either:

- (i) testifies at the proceeding; or
- (ii) is unavailable as a witness.

(b) Enumerated offenses.--The following offenses under Title 18 (relating to crimes and offenses) shall apply to subsection (a):

Chapter 25 (relating to criminal homicide).

Chapter 27 (relating to assault).

Chapter 29 (relating to kidnapping).

Chapter 30 (relating to human trafficking).

Chapter 31 (relating to sexual offenses).

Chapter 35 (relating to burglary and other criminal intrusion).

Chapter 37 (relating to robbery).

Section 4302 (relating to incest).

Section 4304 (relating to endangering welfare of children) if the offense involved sexual contact with the victim.

Section 6301(a)(1)(ii) (relating to corruption of minors).

Section 6312(b) (relating to sexual abuse of children).

Section 6318 (relating to unlawful contact with minor).

Section 6320 (relating to sexual exploitation of children).

(c) Emotional distress.--In order to make a finding under subsection (a)(2)(ii) that the individual is unavailable as a witness, the court must determine, based on evidence presented to it, that testimony by the individual as a witness will result in the individual suffering serious emotional distress that would substantially impact the individual's ability to reasonably communicate.

(d) Determination by court.--In making a determination under subsection (c), the court may do all of the following:

(1) Observe and question the individual, either inside or outside the courtroom.

(2) Hear testimony of a parent or custodian or any other person, such as a person who has dealt with the individual in a medical or therapeutic setting.

(e) Counsel and confrontation.--If the court hears testimony in connection with making a finding under subsection (c), all of the following apply:

(1) Except as provided in paragraph (2), the defendant, the attorney for the defendant and the attorney for the Commonwealth or, in the case of a civil proceeding, the attorney for the plaintiff, have the right to be present.

(2) If the court observes or questions the individual, the court shall not permit the defendant to be present.

(f) Notice required.--A statement otherwise admissible under subsection (a) shall not be received into evidence unless the proponent of the statement notifies the adverse party of the proponent's intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which the proponent intends to offer the statement into evidence to provide the adverse party with a fair opportunity to prepare to meet the statement.

#### **E. Prior Session** (Previous Bill Numbers & House/Senate Votes)

HB 934 of 2023 and HB 1999 of 2021. No action after referral.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2106 Session of  
2025

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INTRODUCED BY SALISBURY, WAXMAN, WEBSTER, SANCHEZ, McNEILL,  
RIVERA, HILL-EVANS, INGLIS, FRANKEL, FREEMAN AND CEPEDA-  
FREYTIZ, DECEMBER 17, 2025

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REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 17, 2025

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AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the  
2 Pennsylvania Consolidated Statutes, in incapacitated persons,  
3 further providing for petition and hearing and independent  
4 evaluation.

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

7 Section 1. Section 5511(a) of Title 20 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 5511. Petition and hearing; independent evaluation.

10 (a) Resident.--The court, upon petition and hearing and upon  
11 the presentation of clear and convincing evidence, may find a  
12 person domiciled in the Commonwealth to be incapacitated and  
13 appoint a guardian or guardians of his person or estate. The  
14 following procedures apply:

15 (1) The petitioner may be any person interested in the  
16 alleged incapacitated person's welfare.

17 (2) The court may dismiss a proceeding where it  
18 determines that the proceeding has not been instituted to aid

1 or benefit the alleged incapacitated person or that the  
2 petition is incomplete or fails to provide sufficient facts  
3 to proceed.

4 (3) Written notice of the petition and hearing shall be  
5 given in large type and in simple language to the alleged  
6 incapacitated person. The following apply to the notice:

7 (i) The notice shall indicate the purpose and  
8 seriousness of the proceeding and the rights that can be  
9 lost as a result of the proceeding. [It]

10 (ii) The notice shall include the date, time and  
11 place of the hearing and an explanation of all rights.

12 (iii) The Supreme Court shall establish a uniform  
13 citation for [this purpose] the purpose of this  
14 paragraph.

15 (iv) A copy of the petition shall be attached to the  
16 notice.

17 (4) Personal service shall be made on the alleged  
18 incapacitated person, and the contents and terms of the  
19 petition shall be explained to the maximum extent possible in  
20 language and terms the individual is most likely to  
21 understand. The following apply to service and notice:

22 (i) Service shall be no less than 20 days in advance  
23 of the hearing. [In addition, notice]

24 (ii) Notice of the petition and hearing shall be  
25 given in such manner as the court shall direct to [all]:

26 (A) All persons residing within the Commonwealth  
27 who are sui juris and would be entitled to share in  
28 the estate of the alleged incapacitated person if he  
29 died intestate at that time[, to the].

30 (B) The person or institution providing

1 residential services to the alleged incapacitated  
2 person [and to such other].

3 (C) Other parties as the court may direct,  
4 including other service providers.

5 (iii) If notice cannot be given to any of the  
6 persons listed under subparagraph (ii), notice of the  
7 petition and hearing shall be given in such manner as the  
8 court shall direct to:

9 (A) Each person with whom the alleged  
10 incapacitated person resides.

11 (B) The following persons who are known to the  
12 petitioner or whose existence and address can be  
13 ascertained by the petitioner with reasonably  
14 diligent efforts:

15 (I) At least one, but not more than three,  
16 of the living relatives of the alleged  
17 incapacitated person in the nearest degree of  
18 kinship.

19 (II) Any person or entity that has  
20 demonstrated a genuine interest in promoting the  
21 best interests of the alleged incapacitated  
22 person, such as by having a personal relationship  
23 with the person, regularly visiting the person or  
24 regularly communicating with the person.

25 (5) The hearing may be closed to the public and without  
26 a jury unless the alleged incapacitated person or his counsel  
27 objects.

28 (6) The hearing shall be closed and with or without a  
29 jury if the person alleged to be incapacitated or his counsel  
30 so requests.

1           (7) The hearing may be held at the residence of the  
2 alleged incapacitated person.

3           (8) The alleged incapacitated person shall be present at  
4 the hearing unless:

5           [(1) the court is satisfied, upon the deposition or  
6 testimony of or sworn statement by a physician or licensed  
7 psychologist, that his physical or mental condition would be  
8 harmed by his presence; or

9           (2) it is impossible for him to be present because of  
10 his absence from the Commonwealth. It shall not be necessary  
11 for the alleged incapacitated person to be represented by a  
12 guardian ad litem in the proceeding.]

13           (i) the court is satisfied, upon the deposition or  
14 testimony of or sworn statement by a physician or  
15 licensed psychologist, that his physical or mental  
16 condition would be harmed by his presence; or

17           (ii) it is impossible for him to be present because  
18 of his absence from the Commonwealth. It shall not be  
19 necessary for the alleged incapacitated person to be  
20 represented by a guardian ad litem in the proceeding.

21 \* \* \*

22 Section 2. This act shall take effect in 60 days.

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

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<b>Bill No:</b>	HB2106 PN2724	<b>Prepared By:</b>	Marissa Itterly (717) 705-1880,6312
<b>Committee:</b>	Judiciary	<b>Executive Director:</b>	David Vitale, Esq.
<b>Sponsor:</b>	Salisbury, Abigail		
<b>Date:</b>	12/17/2025		

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### **A. Brief Concept**

Expands the list of persons entitled to receive notice of a guardianship petition and hearing.

### **C. Analysis of the Bill**

The bill amends Title 20 (Decedents, Estates and Fiduciaries), § 5511 (Petition and Hearing; Independent Evaluations) to do the following:

- Makes technical changes § 5511 to make it easier to understand;
- Deletes subsections (a)(8)(1) and (2) and replaces them with two new subsections, (a)(4)(iii) and (a)(8)(i) and (ii).

#### **(a)(4)(iii)**

If notice cannot be given to any of the individuals listed in subparagraph (ii), which includes individuals in Pennsylvania with sui juris entitled to share the estate of the alleged incapacitated person if he died intestate and an individual or institution providing residential services to the alleged incapacitated person, notice of the petition and hearing shall be given as the court directs to:

- Each person with whom the alleged incapacitated person resides;
- The following persons who are known to the petitioner or whose existence and address can be ascertained by the petitioner with reasonably diligent efforts:
  - At least one, but not more than three, of the living relatives of the alleged incapacitated person in the nearest degree of kinship;
  - Any person or entity that has demonstrated a genuine interest in promoting the best interests of the alleged incapacitated person, such as by having a personal relationship with the person, regularly visiting the person, or regularly communicating with the person.

#### **(a)(8)(i)**

The alleged incapacitated person shall be present at the hearing unless:

- The court is satisfied, upon the deposition or testimony of or sworn statement by a physician or licensed psychologist, that his physical or mental condition would be harmed by his presence; or
- It is impossible for him to be present because of his absence from the Commonwealth. It shall not be necessary for the alleged incapacitated person to be represented by a guardian ad litem in the proceeding.

#### **Effective Date:**

60 Days.

### **G. Relevant Existing Laws**

**Title 20, § 5511. Petition and hearing; independent evaluation.**

(a) Resident.--The court, upon petition and hearing and upon the presentation of clear and convincing evidence, may find a person domiciled in the Commonwealth to be incapacitated and appoint a guardian or guardians of his person or estate. The petitioner may be any person interested in the alleged incapacitated person's welfare. The court may dismiss a proceeding where it determines that the proceeding has not been instituted to aid or benefit the alleged incapacitated person or that the petition is incomplete or fails to provide sufficient facts to proceed. Written notice of the petition and hearing shall be given in large type and in simple language to the alleged incapacitated person. The notice shall indicate the purpose and seriousness of the proceeding and the rights that can be lost as a result of the proceeding. It shall include the date, time and place of the hearing and an explanation of all rights. The Supreme Court shall establish a uniform citation for this purpose. A copy of the petition shall be attached. Personal service shall be made on the alleged incapacitated person, and the contents and terms of the petition shall be explained to the maximum extent possible in language and terms the individual is most likely to understand. Service shall be no less than 20 days in advance of the hearing. In addition, notice of the petition and hearing shall be given in such manner as the court shall direct to all persons residing within the Commonwealth who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if he died intestate at that time, to the person or institution providing residential services to the alleged incapacitated person and to such other parties as the court may direct, including other service providers. The hearing may be closed to the public and without a jury unless the alleged incapacitated person or his counsel objects. The hearing shall be closed and with or without a jury if the person alleged to be incapacitated or his counsel so requests. The hearing may be held at the residence of the alleged incapacitated person. The alleged incapacitated person shall be present at the hearing unless:

(1) the court is satisfied, upon the deposition or testimony of or sworn statement by a physician or licensed psychologist, that his physical or mental condition would be harmed by his presence; or

(2) it is impossible for him to be present because of his absence from the Commonwealth. It shall not be necessary for the alleged incapacitated person to be represented by a guardian ad litem in the proceeding.

(a.1) Appointment of counsel.--

(1) If the petitioner under subsection (a) is aware that the alleged incapacitated person is represented by counsel, the petitioner shall advise the court that the alleged incapacitated person is represented by counsel at the time of filing the petition or as soon as the petitioner becomes aware of the representation.

(2) Regardless of the ability of the alleged incapacitated person to pay, the court shall appoint counsel to represent the alleged incapacitated person in any matter for which counsel has not been retained by the alleged incapacitated person, including in all proceedings under subsection (a) and in any subsequent proceedings to consider, modify or terminate a guardianship. Appointed counsel shall be qualified by experience or training and shall act without delay under the circumstances.

(3) Counsel for an alleged incapacitated person shall, as far as reasonably possible, maintain a normal client-attorney relationship with the client. Counsel shall advocate for the client's expressed wishes and consistent with the client's instructions, to the extent the client is able to express wishes and provide instructions. Counsel shall comply with the Rules of Professional Conduct governing the attorney-client relationship. Retained or appointed counsel may not act as guardian ad litem for the alleged incapacitated person. If the court determines that a guardian ad litem is necessary, the court shall make a separate appointment. Appointed counsel shall meet with the alleged incapacitated person as soon as reasonably possible after the appointment. Within five days of the meeting, appointed counsel shall file with the court a certification of the time and place that the meeting occurred.

None.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2277 Session of  
2026

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INTRODUCED BY BRIGGS, HILL-EVANS, MADDEN, McNEILL, SANCHEZ,  
BURGOS, NEILSON, HANBIDGE, HOWARD, INGLIS, DOUGHERTY AND  
CEPEDA-FREYTIZ, MARCH 10, 2026

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 10, 2026

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in standby and temporary guardianship,  
3 further providing for definitions and for petition for  
4 approval of a designation.

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

7 Section 1. The definition of "standby guardian" in section  
8 5602 of Title 23 of the Pennsylvania Consolidated Statutes is  
9 amended to read:

10 § 5602. Definitions.

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

14 \* \* \*

15 "Standby guardian." A person named by a designator to assume  
16 the duties of coguardian or guardian of a minor and whose  
17 authority becomes effective upon the incapacity, debilitation  
18 and consent, long-term or indefinite absence of, or death of the

1 minor's parent.

2 \* \* \*

3 Section 2. Section 5612(a) of Title 23 is amended to read:

4 § 5612. Petition for approval of a designation.

5 (a) General rule.--A petition for court approval of a  
6 designation under this chapter may be made at any time by filing  
7 with the court a copy of the designation. If the triggering  
8 event has not occurred on or before the time of filing, only the  
9 designator may file the petition. If the triggering event has  
10 occurred on or before the time of filing, the standby guardian  
11 named in the designation may file the petition, and the petition  
12 shall also contain one of the following:

13 (1) A determination of the designator's incapacity.

14 (2) A determination of the designator's debilitation and  
15 the designator's signed and dated consent.

16 (3) Any documentation demonstrating the designator's  
17 long-term or indefinite absence.

18 [(3)] (4) A copy of the designator's death certificate.

19 \* \* \*

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

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

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<b>Bill No:</b>	HB2277 PN2979	<b>Prepared By:</b>	Michelle Batt, Esq. (717) 705-7011,6791
<b>Committee:</b>	Judiciary	<b>Executive Director:</b>	David Vitale, Esq.
<b>Sponsor:</b>	Briggs, Tim		
<b>Date:</b>	3/11/2026		

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### A. Brief Concept

Amends existing standby guardianship law to allow for a long-term or indefinite absence to qualify as a "triggering event" in the standby guardianship designation to allow parents to plan for the well-being of their children.

### C. Analysis of the Bill

Amends the definition of "standby guardian" Section 5602 of Title 23.

"Standby guardian." A person named by a designator to assume the duties of co-guardian or guardian of a minor and whose authority becomes effective upon the incapacity, debilitation and consent, long-term or indefinite absence of, or death of the minor's parent.

Moreover, the bill also amends Section 5612(a) (Petition for approval of a designation) to allow for a long-term or indefinite absence to qualify as a "triggering event" in the standby guardianship designation.

#### **Effective Date:**

60 Days.

### G. Relevant Existing Laws

#### **Title 23, § 5602. Definitions.**

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

....

"Standby guardian." A person named by a designator to assume the duties of co-guardian or guardian of a minor and whose authority becomes effective upon the incapacity, debilitation and consent, or death of the minor's parent.

#### **Title 23, § 5612. Petition for approval of a designation.**

(a) General rule.--A petition for court approval of a designation under this chapter may be made at any time by filing with the court a copy of the designation. If the triggering event has not occurred on or before the time of filing, only the designator may file the petition. If the triggering event has occurred on or before the time of filing, the standby guardian named in the designation may file the petition, and the petition shall also contain one of the following:

- (1) A determination of the designator's incapacity.
- (2) A determination of the designator's debilitation and the designator's signed and dated consent.

(3) A copy of the designator's death certificate.

**E. Prior Session** (Previous Bill Numbers & House/Senate Votes)

None.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2279 Session of  
2026

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INTRODUCED BY WATRO, JAMES, KRUPA, OLSOMMER, KUTZ, BERNSTINE,  
KUZMA, RIVERA AND WALSH, MARCH 11, 2026

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 11, 2026

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in limitation of time  
3 relating to criminal proceedings, further providing for other  
4 offenses.

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

7 Section 1. Section 5552(b)(1) of Title 42 of the  
8 Pennsylvania Consolidated Statutes is amended to read:

9 § 5552. Other offenses.

10 \* \* \*

11 (b) Major offenses.--A prosecution for any of the following  
12 offenses must be commenced within five years after it is  
13 committed:

14 (1) Under the following provisions of Title 18 (relating  
15 to crimes and offenses):

16 Section 901 (relating to criminal attempt) involving  
17 attempt to commit murder where no murder occurs.

18 Section 902 (relating to criminal solicitation)  
19 involving solicitation to commit murder where no murder

1 occurs.

2 Section 903 (relating to criminal conspiracy)  
3 involving conspiracy to commit murder where no murder  
4 occurs.

5 Section 911 (relating to corrupt organizations).

6 Section 2506 (relating to drug delivery resulting in  
7 death).

8 Section 2702 (relating to aggravated assault).

9 Section 2706 (relating to terroristic threats).

10 Section 2713 (relating to neglect of care-dependent  
11 person).

12 Section 2901 (relating to kidnapping).

13 Section 3301 (relating to arson and related  
14 offenses).

15 Section 3502 (relating to burglary).

16 Section 3701 (relating to robbery).

17 Section 3921 (relating to theft by unlawful taking or  
18 disposition) through section 3933 (relating to unlawful  
19 use of computer).

20 Section 4101 (relating to forgery).

21 Section 4107 (relating to deceptive or fraudulent  
22 business practices).

23 Section 4108 (relating to commercial bribery and  
24 breach of duty to act disinterestedly).

25 Section 4109 (relating to rigging publicly exhibited  
26 contest).

27 Section 4117 (relating to insurance fraud).

28 Section 4701 (relating to bribery in official and  
29 political matters) through section 4703 (relating to  
30 retaliation for past official action).

1           Section 4902 (relating to perjury) through section  
2           4912 (relating to impersonating a public servant).

3           Section 4952 (relating to intimidation of witnesses  
4           or victims).

5           Section 4953 (relating to retaliation against  
6           witness, victim or party).

7           Section 5101 (relating to obstructing administration  
8           of law or other governmental function).

9           Section 5111 (relating to dealing in proceeds of  
10          unlawful activities).

11          Section 5512 (relating to lotteries, etc.) through  
12          section 5514 (relating to pool selling and bookmaking).

13          Section 5902(b) (relating to prostitution and related  
14          offenses).

15          Section 6111(g)(2) and (4) (relating to sale or  
16          transfer of firearms).

17          \* \* \*

18          Section 2. This act shall take effect in 60 days.

**LEGISLATIVE REFERENCE BUREAU**

AMENDMENTS TO HOUSE BILL NO. 2279

Sponsor: **Briggs**

Printer's No. 2981

1 Amend Bill, page 1, line 1, by striking out "Title" and  
2 inserting

3 Titles 18 (Crimes and Offenses) and

4 Amend Bill, page 1, line 2, by inserting after "Statutes,"  
5 in criminal homicide, further providing for the offense of drug  
6 delivery resulting in death; and,

7 Amend Bill, page 1, lines 7 and 8, by striking out all of  
8 said lines and inserting

9 Section 1. Section 2506 of Title 18 of the Pennsylvania  
10 Consolidated Statutes is amended by adding a subsection to read:  
11 § 2506. Drug delivery resulting in death.

12 \* \* \*

13 (g) Affirmative defense.--It shall be an affirmative defense  
14 under this section that the person was not given or did not  
15 receive any service or anything of value in exchange for  
16 administration, dispensation, delivery, giving, prescription or  
17 distribution of the substance.

18 Section 2. Section 5552(b)(1) of Title 42 is amended to  
19 read:

20 Amend Bill, page 3, line 18, by striking out "2" and  
21 inserting

22 3

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

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<b>Bill No:</b>	HB2279 PN2981	<b>Prepared By:</b>	David Vitale, Esq. (717) 705-1880,6792
<b>Committee:</b>	Judiciary	<b>Executive Director:</b>	David Vitale, Esq.
<b>Sponsor:</b>	Watro, Dane		
<b>Date:</b>	3/11/2026		

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### **A. Brief Concept**

Extends the statute of limitations for drug delivery resulting in death from two to five years.

### **C. Analysis of the Bill**

Increases the statute of limitations for criminal prosecution on drug delivery resulting in death from two to five years.

#### **Effective Date:**

60 Days.

### **G. Relevant Existing Laws**

42 Pa.C.S. 5552(a) Provides a general two-year statute of limitations on criminal offenses.  
42 Pa.C.S. 5552(b) provides a five year statute of limitations on major criminal offenses

1) Under the following provisions of Title 18 (relating to crimes and offenses):

Section 901 (relating to criminal attempt) involving attempt to commit murder where no murder occurs.

Section 902 (relating to criminal solicitation) involving solicitation to commit murder where no murder occurs.

Section 903 (relating to criminal conspiracy) involving conspiracy to commit murder where no murder occurs.

Section 911 (relating to corrupt organizations).

Section 2702 (relating to aggravated assault).

Section 2706 (relating to terroristic threats).

Section 2713 (relating to neglect of care-dependent person).

Section 2901 (relating to kidnapping).

Section 3301 (relating to arson and related offenses).

Section 3502 (relating to burglary).

Section 3701 (relating to robbery).

Section 3921 (relating to theft by unlawful taking or disposition) through section 3933 (relating to unlawful use of computer).

Section 4101 (relating to forgery).

Section 4107 (relating to deceptive or fraudulent business practices).

Section 4108 (relating to commercial bribery and breach of duty to act disinterestedly).

Section 4109 (relating to rigging publicly exhibited contest).

Section 4117 (relating to insurance fraud).

Section 4701 (relating to bribery in official and political matters) through section 4703 (relating to retaliation for past official action).

Section 4902 (relating to perjury) through section 4912 (relating to impersonating a public servant).

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

Section 5101 (relating to obstructing administration of law or other governmental function).

Section 5111 (relating to dealing in proceeds of unlawful activities).

Section 5512 (relating to lotteries, etc.) through section 5514 (relating to pool selling and bookmaking).

Section 5902(b) (relating to prostitution and related offenses).

Section 6111(g)(2) and (4) (relating to sale or transfer of firearms).

(2) Any offense punishable under section 13(f) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(3) Any conspiracy to commit any of the offenses set forth in paragraphs (1) and (2) and any solicitation to commit any of the offenses in paragraphs (1) and (2) if the solicitation results in the completed offense.

(4) Under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

(5) Under the act of November 24, 1998 (P.L.874, No.110), known as the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act.

There is no statute of limitations for the following offenses:

Section 5551 of Title 42 provides: No limitation applicable.

A prosecution for the following offenses may be commenced at any time:

(1) Murder.

(2) Voluntary manslaughter.

(3) Conspiracy to commit murder or solicitation to commit murder if a murder results from the conspiracy or solicitation.

(4) Any felony alleged to have been perpetrated in connection with a murder of the first or second degree, as set forth in 18 Pa.C.S. § 2502(a) or (b) and (d) (relating to murder).

(5) A violation of 75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury) or 3732 (relating to homicide by vehicle) if the accused was the driver of a vehicle involved in an accident resulting in the death of any person.

(6) A violation of 18 Pa.C.S. § 2702(a)(1), (2), (4) or (7) (relating to aggravated assault) if the accused knew the victim was a law enforcement officer and the law enforcement officer was acting within the scope of the officer's duties.

(7) An offense under any of the following provisions of 18 Pa.C.S. (relating to crimes and offenses), or a conspiracy or solicitation to commit an offense under any of the following provisions of 18 Pa.C.S. if the offense results from the conspiracy or solicitation, if the victim was under 18 years of age at the time of the offense:

Section 3011(b) (relating to trafficking in individuals).

Section 3012 (relating to involuntary servitude) as it relates to sexual servitude.

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3124.2 (relating to institutional sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 4302 (relating to incest).

**E. Prior Session (Previous Bill Numbers & House/Senate Votes)**

SB 79 of 2025.

This bill was SB 61 of 2021. It received no votes.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2356 Session of  
2026

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INTRODUCED BY CARROLL, MADDEN, KHAN, KRAJEWSKI, MAYES, HILL-  
EVANS, WAXMAN, SANCHEZ, McNEILL, KINKEAD, ABNEY, McANDREW,  
POWELL, PARKER, HOHENSTEIN, CEPEDA-FREYTIZ, BELLMON AND  
SHUSTERMAN, MARCH 31, 2026

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 1, 2026

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in criminal history record  
3 information, further providing for expungement.

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

6 Section 1. Section 9122(b)(1) of Title 18 of the  
7 Pennsylvania Consolidated Statutes is amended to read:

8 § 9122. Expungement.

9 \* \* \*

10 (b) Generally.--Criminal history record information may be  
11 expunged when:

12 (1) An individual who is the subject of the information  
13 reaches [70] 65 years of age and has been free of arrest or  
14 prosecution for ten years following final release from  
15 confinement or supervision.

16 \* \* \*

17 Section 2. This act shall take effect in 60 days.

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

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<b>Bill No:</b>	HB2356 PN3129	<b>Prepared By:</b>	Jacob Heintzelman (717) 787-9516
<b>Committee:</b>	Judiciary	<b>Executive Director:</b>	David Vitale, Esq.
<b>Sponsor:</b>	Carroll, Madden, Khan		
<b>Date:</b>	3/25/2026		

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### **A. Brief Concept**

Lowers the age of expungement for individuals who have served their sentences and remained free of further arrest or prosecution for a period of 10 years from 70 years to 65 years.

### **C. Analysis of the Bill**

This legislation amends Title 18 (Crimes and Offenses) Section 9122(b) (Generally) of the Pennsylvania Consolidated Statutes by lowering the age of expungement eligibility from 70 years to 65 years old. This change would give justice-impacted individuals who have remained free from arrest or prosecution for ten years after the completion of their sentence the opportunity to reintegrate fully into their communities.

#### **Effective Date:**

60 Days.

### **G. Relevant Existing Laws**

**Title 18 (Crimes and Offenses), Section 9122(b) (Expungement) of the Pennsylvania Consolidated Statutes** permits criminal history record information to be expunged when:

(1) An individual who is the subject of the information reaches 70 years of age and has been free of arrest or prosecution for ten years following final release from confinement or supervision.

(2) An individual who is the subject of the information has been dead for three years.

(3)

(i) An individual who is the subject of the information petitions the court for the expungement of a summary offense and has been free of arrest or prosecution for five years following the conviction for that offense.

(ii) Expungement under this paragraph shall only be permitted for a conviction of a summary offense.

### **E. Prior Session** (Previous Bill Numbers & House/Senate Votes)

None.

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