

House Judiciary Committee Voting Meeting
Majority Caucus Room
Room 140 Main Capitol
Harrisburg, PA 17120
April 27, 2026
11:00 AM

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

Agenda

House Bill 99 (RABB) An Act amending Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure) 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; in arson, criminal mischief and other property destruction, further providing for the offense of arson and related offenses; in jurisdiction of appellate courts, further providing for direct appeals from courts of common pleas; in post-trial matters, further providing for postconviction DNA testing and for disposition and appeal; in sentencing, further providing for sentencing procedure for murder of the first degree; and, in execution procedure and method, repealing provisions relating to issuance of warrant.

House Bill 888 (DIAMOND) An Act amending Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure) 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; in arson, criminal mischief and other property destruction, further providing for the offense of arson and related offenses; in jurisdiction of appellate courts, further providing for direct appeals from courts of common pleas; in post-trial matters, further providing for postconviction DNA testing and for disposition and appeal; in sentencing, further providing for sentencing procedure for murder of the first degree; and, in execution procedure and method, repealing provisions relating to issuance of warrant.

House Bill 1944 (FRIEL/KINKEAD) An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in minors, further providing for safe harbor for violation of section 6308(a).

House Bill 1945 (FRIEL/KINKEAD) An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for drug overdose response immunity.

House Bill 2028 (SMITH-WADE-EL) An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for permitted use of public space; and, in matters affecting government units, further providing for exceptions to sovereign immunity.

A03025 (BRIGGS)

House Bill 2190 (GOUGHNOUR) An Act amending the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, in collective bargaining impasse, further providing for arbitration.

A03010 (BRIGGS)

House Resolution 480 (McNEILL) A Resolution designating July 15, 2026, as "Court Appointed Special Advocates Day" in Pennsylvania.

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
- April 27 Voting Meeting Agenda
- HB99
- HB99 BA
- HB888
- HB888 BA
- HB1944
- HB1944 BA
- HB1945
- HB1945 BA
- HB2028
- A03025 to HB2028
- HB2028 BA
- HB2190
- A03010 to HB2190
- HB2190 BA
- HR480
- HR480 BA

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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

April 21, 2026

COMMITTEES

JUDICIARY, CHAIRMAN

CAUCUSES

LIFE SCIENCE, CHAIR
BRAIN INJURY, CHAIR

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

PENNSYLVANIA COMMISSION ON CRIME &
DELINQUENCY (PCCD), COMMISSIONER

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 **Monday, April 27, 2026, at 11:00 a.m. in 140 Main Capitol Building**. The Committee is scheduled to consider the following:

House Bill 99 (Rabb) Amends Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure) 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; in arson, criminal mischief and other property destruction, further providing for the offense of arson and related offenses; in jurisdiction of appellate courts, further providing for direct appeals from courts of common pleas; in post-trial matters, further providing for postconviction DNA testing and for disposition and appeal; in sentencing, further providing for sentencing procedure for murder of the first degree; and, in execution procedure and method, repealing provisions relating to issuance of warrant.

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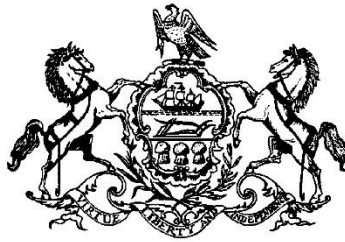
And any other business that comes before the committee.

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

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PENNSYLVANIA COMMISSION ON CRIME &
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Please see back of page

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 99 Session of
2025

INTRODUCED BY RABB, WAXMAN, KHAN, KRAJEWSKI, HOWARD, HANBIDGE,
CEPEDA-FREYTIZ, BURGOS, VENKAT, RIVERA, KINKEAD, HOHENSTEIN,
FRANKEL, OTTEN AND SHUSTERMAN, OCTOBER 10, 2025

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 16, 2025

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 42 (Judiciary and
2 Judicial Procedure) and 61 (Prisons and Parole) of the
3 Pennsylvania Consolidated Statutes, in authorized disposition
4 of offenders, further providing for sentence for murder,
5 murder of unborn child and murder of law enforcement officer;
6 in arson, criminal mischief and other property destruction,
7 further providing for the offense of arson and related
8 offenses; in jurisdiction of appellate courts, further
9 providing for direct appeals from courts of common pleas; in
10 post-trial matters, further providing for postconviction DNA
11 testing and for disposition and appeal; in sentencing,
12 further providing for sentencing procedure for murder of the
13 first degree; and, in execution procedure and method,
14 repealing provisions relating to issuance of warrant.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Sections 1102(a) and 3301(b)(1) of Title 18 of
18 the Pennsylvania Consolidated Statutes are amended to read:

19 § 1102. Sentence for murder, murder of unborn child and murder
20 of law enforcement officer.

21 (a) First degree.--

22 (1) Except as provided under section 1102.1 (relating to
23 sentence of persons under the age of 18 for murder, murder of

1 an unborn child and murder of a law enforcement officer), a
2 person who has been convicted of a murder of the first degree
3 or of murder of a law enforcement officer of the first degree
4 shall be sentenced to [death or to] a term of life
5 imprisonment in accordance with 42 Pa.C.S. § 9711 (relating
6 to sentencing procedure for murder of the first degree).

7 (2) The sentence for a person who has been convicted of
8 first degree murder of an unborn child shall be the same as
9 the sentence for murder of the first degree. [, except that
10 the death penalty shall not be imposed. This paragraph shall
11 not affect the determination of an aggravating circumstance
12 under 42 Pa.C.S. § 9711(d) (17) for the killing of a pregnant
13 woman.]

14 * * *

15 § 3301. Arson and related offenses.

16 * * *

17 (b) Sentence.--

18 (1) A person convicted of violating the provisions of
19 subsection (a) (2), murder of the first degree or second
20 degree, shall be sentenced to [death or] life imprisonment
21 without right to parole [; a person convicted of murder of the
22 second degree, pursuant to subsection (a) (2), shall be
23 sentenced to life imprisonment without right to parole].

24 Notwithstanding provisions to the contrary, no language
25 herein shall infringe upon the inherent powers of the
26 Governor to commute said sentence.

27 * * *

28 Section 2. Sections 722(4), 9543.1(a)(6), (c)(2) and (3) and
29 (d)(2), 9577(a) and 9711 of Title 42 are amended to read:

30 § 722. Direct appeals from courts of common pleas.

1 The Supreme Court shall have exclusive jurisdiction of
2 appeals from final orders of the courts of common pleas in the
3 following classes of cases:

4 * * *

5 (4) Automatic review of sentences as provided by [42
6 Pa.C.S. §§ 9546(d) (relating to relief and order) and 9711(h)
7 (relating to review of death sentence)] section 9546(d)
8 (relating to relief and order).

9 * * *

10 § 9543.1. Postconviction DNA testing.

11 (a) Motion.--

12 * * *

13 (6) The motion shall explain how, after review of the
14 record of the applicant's trial, there is a reasonable
15 possibility if the applicant is under State supervision, or
16 there is a reasonable probability if the applicant is not
17 under State supervision, or after review of the record of the
18 applicant's guilty plea there is a reasonable probability,
19 that the testing would produce exculpatory evidence that
20 would establish:

21 (i) the applicant's actual innocence of the offense
22 for which the applicant was convicted;

23 [(ii) in a capital case, the applicant's actual
24 innocence of the charged or uncharged conduct
25 constituting an aggravating circumstance under section
26 9711(d) (relating to sentencing procedure for murder of
27 the first degree) if the applicant's exoneration of the
28 conduct would result in vacating a sentence of death; or

29 (iii) in a capital case, a mitigating circumstance
30 under section 9711(e) (7) under the circumstances set

1 forth in section 9711(c)(1)(iv)].

2 * * *

3 (c) Requirements.--In any motion under subsection (a), under
4 penalty of perjury, the applicant shall:

5 * * *

6 (2) (i) in a sworn statement subject to the penalties
7 under 18 Pa.C.S. §§ 4902 (relating to perjury) and 4903
8 (relating to false swearing), assert the applicant's
9 actual innocence of the offense for which the applicant
10 was convicted and that the applicant seeks DNA testing
11 for the purpose of demonstrating the applicant's actual
12 innocence; and

13 [(ii) in a capital case:

14 (A) assert the applicant's actual innocence of
15 the charged or uncharged conduct constituting an
16 aggravating circumstance under section 9711(d) if the
17 applicant's exoneration of the conduct would result
18 in vacating a sentence of death; or

19 (B) assert that the outcome of the DNA testing
20 would establish a mitigating circumstance under
21 section 9711(e)(7) if that mitigating circumstance
22 was presented to the sentencing judge or jury and
23 facts as to that issue were in dispute at the
24 sentencing hearing.]

25 (3) present a prima facie case demonstrating that the:

26 (i) identity of or the participation in the crime by
27 the perpetrator was at issue in the proceedings that
28 resulted in the applicant's conviction and sentencing;
29 and

30 (ii) DNA testing of the specific evidence, assuming

1 exculpatory results, would establish:

2 (A) the applicant's actual innocence of the
3 offense for which the applicant was convicted;

4 [(B) in a capital case, the applicant's actual
5 innocence of the charged or uncharged conduct
6 constituting an aggravating circumstance under
7 section 9711(d) if the applicant's exoneration of the
8 conduct would result in vacating a sentence of death;
9 or

10 (C) in a capital case, a mitigating circumstance
11 under section 9711(e) (7) under the circumstances set
12 forth in section 9711(c) (1) (iv).]

13 (d) Order.--

14 * * *

15 (2) The court shall not order the testing requested in a
16 motion under subsection (a) if, after review of the record of
17 the applicant's trial, the court determines that there is no
18 reasonable possibility for an applicant under State
19 supervision, or there is no reasonable probability for an
20 applicant not under State supervision, or after review of the
21 record of the applicant's guilty plea, the court determines
22 that there is no reasonable probability, that the testing
23 would produce exculpatory evidence that:

24 (i) would establish the applicant's actual innocence
25 of the offense for which the applicant was convicted;

26 [(ii) in a capital case, would establish the
27 applicant's actual innocence of the charged or uncharged
28 conduct constituting an aggravating circumstance under
29 section 9711(d) if the applicant's exoneration of the
30 conduct would result in vacating a sentence of death; or

1 (iii) in a capital case, would establish a
2 mitigating circumstance under section 9711(e) (7) under
3 the circumstances set forth in section 9711(c) (1) (iv).]

4 * * *

5 § 9577. Disposition and appeal.

6 [(a) Capital unitary review.--Review by the Supreme Court
7 under section 9711(h) (relating to review of death sentence)
8 shall comprise direct appeal and collateral appeal. The common
9 pleas court order disposing of the petition under this
10 subchapter shall constitute the final judgment for purposes of
11 this review.]

12 * * *

13 § 9711. Sentencing procedure for murder of the first degree.

14 [(a) Procedure in jury trials.--

15 (1)] After a verdict of murder of the first degree is
16 recorded [and before the jury is discharged], the court shall
17 [conduct a separate sentencing hearing in which the jury
18 shall determine whether the defendant shall be sentenced to
19 death or] sentence the defendant to life imprisonment.

20 [(2) In the sentencing hearing, evidence concerning the
21 victim and the impact that the death of the victim has had on
22 the family of the victim is admissible. Additionally,
23 evidence may be presented as to any other matter that the
24 court deems relevant and admissible on the question of the
25 sentence to be imposed. Evidence shall include matters
26 relating to any of the aggravating or mitigating
27 circumstances specified in subsections (d) and (e), and
28 information concerning the victim and the impact that the
29 death of the victim has had on the family of the victim.
30 Evidence of aggravating circumstances shall be limited to

1 those circumstances specified in subsection (d).

2 (3) After the presentation of evidence, the court shall
3 permit counsel to present argument for or against the
4 sentence of death. The court shall then instruct the jury in
5 accordance with subsection (c).

6 (4) Failure of the jury to unanimously agree upon a
7 sentence shall not impeach or in any way affect the guilty
8 verdict previously recorded.

9 (b) Procedure in nonjury trials and guilty pleas.--If the
10 defendant has waived a jury trial or pleaded guilty, the
11 sentencing proceeding shall be conducted before a jury impaneled
12 for that purpose unless waived by the defendant with the consent
13 of the Commonwealth, in which case the trial judge shall hear
14 the evidence and determine the penalty in the same manner as
15 would a jury as provided in subsection (a).

16 (c) Instructions to jury.--

17 (1) Before the jury retires to consider the sentencing
18 verdict, the court shall instruct the jury on the following
19 matters:

20 (i) The aggravating circumstances specified in
21 subsection (d) as to which there is some evidence.

22 (ii) The mitigating circumstances specified in
23 subsection (e) as to which there is some evidence.

24 (iii) Aggravating circumstances must be proved by
25 the Commonwealth beyond a reasonable doubt; mitigating
26 circumstances must be proved by the defendant by a
27 preponderance of the evidence.

28 (iv) The verdict must be a sentence of death if the
29 jury unanimously finds at least one aggravating
30 circumstance specified in subsection (d) and no

1 mitigating circumstance or if the jury unanimously finds
2 one or more aggravating circumstances which outweigh any
3 mitigating circumstances. The verdict must be a sentence
4 of life imprisonment in all other cases.

5 (v) The court may, in its discretion, discharge the
6 jury if it is of the opinion that further deliberation
7 will not result in a unanimous agreement as to the
8 sentence, in which case the court shall sentence the
9 defendant to life imprisonment.

10 (2) The court shall instruct the jury that if it finds
11 at least one aggravating circumstance and at least one
12 mitigating circumstance, it shall consider, in weighing the
13 aggravating and mitigating circumstances, any evidence
14 presented about the victim and about the impact of the murder
15 on the victim's family. The court shall also instruct the
16 jury on any other matter that may be just and proper under
17 the circumstances.

18 (d) Aggravating circumstances.--Aggravating circumstances
19 shall be limited to the following:

20 (1) The victim was a firefighter, peace officer, public
21 servant concerned in official detention, as defined in 18
22 Pa.C.S. § 5121 (relating to escape), judge of any court in
23 the unified judicial system, the Attorney General of
24 Pennsylvania, a deputy attorney general, district attorney,
25 assistant district attorney, member of the General Assembly,
26 Governor, Lieutenant Governor, Auditor General, State
27 Treasurer, State law enforcement official, local law
28 enforcement official, Federal law enforcement official or
29 person employed to assist or assisting any law enforcement
30 official in the performance of his duties, who was killed in

1 the performance of his duties or as a result of his official
2 position.

3 (2) The defendant paid or was paid by another person or
4 had contracted to pay or be paid by another person or had
5 conspired to pay or be paid by another person for the killing
6 of the victim.

7 (3) The victim was being held by the defendant for
8 ransom or reward, or as a shield or hostage.

9 (4) The death of the victim occurred while defendant was
10 engaged in the hijacking of an aircraft.

11 (5) The victim was a prosecution witness to a murder or
12 other felony committed by the defendant and was killed for
13 the purpose of preventing his testimony against the defendant
14 in any grand jury or criminal proceeding involving such
15 offenses.

16 (6) The defendant committed a killing while in the
17 perpetration of a felony.

18 (7) In the commission of the offense the defendant
19 knowingly created a grave risk of death to another person in
20 addition to the victim of the offense.

21 (8) The offense was committed by means of torture.

22 (9) The defendant has a significant history of felony
23 convictions involving the use or threat of violence to the
24 person.

25 (10) The defendant has been convicted of another Federal
26 or State offense, committed either before or at the time of
27 the offense at issue, for which a sentence of life
28 imprisonment or death was imposable or the defendant was
29 undergoing a sentence of life imprisonment for any reason at
30 the time of the commission of the offense.

1 (11) The defendant has been convicted of another murder
2 committed in any jurisdiction and committed either before or
3 at the time of the offense at issue.

4 (12) The defendant has been convicted of voluntary
5 manslaughter, as defined in 18 Pa.C.S. § 2503 (relating to
6 voluntary manslaughter), or a substantially equivalent crime
7 in any other jurisdiction, committed either before or at the
8 time of the offense at issue.

9 (13) The defendant committed the killing or was an
10 accomplice in the killing, as defined in 18 Pa.C.S. § 306(c)
11 (relating to liability for conduct of another; complicity),
12 while in the perpetration of a felony under the provisions of
13 the act of April 14, 1972 (P.L.233, No.64), known as The
14 Controlled Substance, Drug, Device and Cosmetic Act, and
15 punishable under the provisions of 18 Pa.C.S. § 7508
16 (relating to drug trafficking sentencing and penalties).

17 (14) At the time of the killing, the victim was or had
18 been involved, associated or in competition with the
19 defendant in the sale, manufacture, distribution or delivery
20 of any controlled substance or counterfeit controlled
21 substance in violation of The Controlled Substance, Drug,
22 Device and Cosmetic Act or similar law of any other state,
23 the District of Columbia or the United States, and the
24 defendant committed the killing or was an accomplice to the
25 killing as defined in 18 Pa.C.S. § 306(c), and the killing
26 resulted from or was related to that association, involvement
27 or competition to promote the defendant's activities in
28 selling, manufacturing, distributing or delivering controlled
29 substances or counterfeit controlled substances.

30 (15) At the time of the killing, the victim was or had

1 been a nongovernmental informant or had otherwise provided
2 any investigative, law enforcement or police agency with
3 information concerning criminal activity and the defendant
4 committed the killing or was an accomplice to the killing as
5 defined in 18 Pa.C.S. § 306(c), and the killing was in
6 retaliation for the victim's activities as a nongovernmental
7 informant or in providing information concerning criminal
8 activity to an investigative, law enforcement or police
9 agency.

10 (16) The victim was a child under 12 years of age.

11 (17) At the time of the killing, the victim was in her
12 third trimester of pregnancy or the defendant had knowledge
13 of the victim's pregnancy.

14 (18) At the time of the killing the defendant was
15 subject to a court order restricting in any way the
16 defendant's behavior toward the victim pursuant to 23 Pa.C.S.
17 Ch. 61 (relating to protection from abuse) or any other order
18 of a court of common pleas or of the minor judiciary designed
19 in whole or in part to protect the victim from the defendant.

20 (e) Mitigating circumstances.--Mitigating circumstances
21 shall include the following:

22 (1) The defendant has no significant history of prior
23 criminal convictions.

24 (2) The defendant was under the influence of extreme
25 mental or emotional disturbance.

26 (3) The capacity of the defendant to appreciate the
27 criminality of his conduct or to conform his conduct to the
28 requirements of law was substantially impaired.

29 (4) The age of the defendant at the time of the crime.

30 (5) The defendant acted under extreme duress, although

1 not such duress as to constitute a defense to prosecution
2 under 18 Pa.C.S. § 309 (relating to duress), or acted under
3 the substantial domination of another person.

4 (6) The victim was a participant in the defendant's
5 homicidal conduct or consented to the homicidal acts.

6 (7) The defendant's participation in the homicidal act
7 was relatively minor.

8 (8) Any other evidence of mitigation concerning the
9 character and record of the defendant and the circumstances
10 of his offense.

11 (f) Sentencing verdict by the jury.--

12 (1) After hearing all the evidence and receiving the
13 instructions from the court, the jury shall deliberate and
14 render a sentencing verdict. In rendering the verdict, if the
15 sentence is death, the jury shall set forth in such form as
16 designated by the court the findings upon which the sentence
17 is based.

18 (2) Based upon these findings, the jury shall set forth
19 in writing whether the sentence is death or life
20 imprisonment.

21 (g) Recording sentencing verdict.--Whenever the jury shall
22 agree upon a sentencing verdict, it shall be received and
23 recorded by the court. The court shall thereafter impose upon
24 the defendant the sentence fixed by the jury.

25 (h) Review of death sentence.--

26 (1) A sentence of death shall be subject to automatic
27 review by the Supreme Court of Pennsylvania pursuant to its
28 rules.

29 (2) In addition to its authority to correct errors at
30 trial, the Supreme Court shall either affirm the sentence of

1 death or vacate the sentence of death and remand for further
2 proceedings as provided in paragraph (4).

3 (3) The Supreme Court shall affirm the sentence of death
4 unless it determines that:

5 (i) the sentence of death was the product of
6 passion, prejudice or any other arbitrary factor; or

7 (ii) the evidence fails to support the finding of at
8 least one aggravating circumstance specified in
9 subsection (d).

10 (4) If the Supreme Court determines that the death
11 penalty must be vacated because none of the aggravating
12 circumstances are supported by sufficient evidence, then it
13 shall remand for the imposition of a life imprisonment
14 sentence. If the Supreme Court determines that the death
15 penalty must be vacated for any other reason, it shall remand
16 for a new sentencing hearing pursuant to subsections (a)
17 through (g).

18 (i) Record of death sentence to Governor.--Where a sentence
19 of death is upheld by the Supreme Court, the prothonotary of the
20 Supreme Court shall transmit to the Governor a full and complete
21 record of the trial, sentencing hearing, imposition of sentence,
22 opinion and order by the Supreme Court within 30 days of one of
23 the following, whichever occurs first:

24 (1) the expiration of the time period for filing a
25 petition for writ of certiorari or extension thereof where
26 neither has been filed;

27 (2) the denial of a petition for writ of certiorari; or

28 (3) the disposition of the appeal by the United States
29 Supreme Court, if that court grants the petition for writ of
30 certiorari.

1 Notice of this transmission shall contemporaneously be provided
2 to the Secretary of Corrections.]

3 Section 3. Section 4302 of Title 61 is repealed:

4 [§ 4302. Issuance of warrant.

5 (a) Time.--

6 (1) After the receipt of the record pursuant to 42
7 Pa.C.S. § 9711(i) (relating to sentencing procedure for
8 murder of the first degree), unless a pardon or commutation
9 has been issued, the Governor shall, within 90 days, issue a
10 warrant specifying a day for execution which shall be no
11 later than 60 days after the date the warrant is signed.

12 (2) If, because of a reprieve or a judicial stay of the
13 execution, the date of execution passes without imposition of
14 the death penalty, unless a pardon or commutation has been
15 issued, the Governor shall, within 30 days after receiving
16 notice of the termination of the reprieve or the judicial
17 stay, reissue a warrant specifying a day for execution which
18 shall be no later than 60 days after the date of reissuance
19 of the warrant.

20 (b) Secretary.--The warrant shall be directed to the
21 secretary commanding that the subject of the warrant be executed
22 on the day named in the warrant and in the manner prescribed by
23 law.

24 (c) Failure to timely comply.--If the Governor fails to
25 timely comply with the provisions of this section and a pardon
26 or commutation has not been issued, the secretary shall, within
27 30 days following the Governor's failure to comply, schedule and
28 carry out the execution no later than 60 days from the date by
29 which the Governor was required to sign the warrant under
30 subsection (a).]

1 Section 4. This act shall apply to defendants and
2 individuals who have not been sentenced as of the effective date
3 of this section.

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

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB0099 PN2448	Prepared By:	Marissa Itterly (717) 705-7011,6791
Committee:	Judiciary	Executive Director:	David Vitale, Esq.
Sponsor:	Rabb, Chris		
Date:	10/16/2025		

A. Brief Concept

Repeals the Death Penalty.

C. Analysis of the Bill

Deletes language in Title 18 and Title 42 permitting a death sentence in the Commonwealth. Should this bill become law, the most severe criminal penalty in the Commonwealth will be life in prison.

Effective Date:

60 Days. This act shall apply to defendants who have not been sentenced as of the effective date of this section.

G. Relevant Existing Laws

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

(a) First degree.--

(1) Except as provided under section 1102.1 (relating to sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer), a person who has been convicted of a murder of the first degree or of murder of a law enforcement officer of the first degree shall be sentenced to death or to a term of life imprisonment in accordance with 42 Pa.C.S. § 9711 (relating to sentencing procedure for murder of the first degree).

(2) The sentence for a person who has been convicted of first degree murder of an unborn child shall be the same as the sentence for murder of the first degree, except that the death penalty shall not be imposed. This paragraph shall not affect the determination of an aggravating circumstance under 42 Pa.C.S. § 9711(d)(17) for the killing of a pregnant woman.

§ 3301. Arson and related offenses.

(a) Arson endangering persons.--

(1) A person commits a felony of the first degree if he intentionally starts a fire or causes an explosion, or if he aids, counsels, pays or agrees to pay another to cause a fire or explosion, whether on his own property or on that of another, and if:

(i) he thereby recklessly places another person in danger of death or bodily injury, including but not limited to a firefighter, police officer or other person actively engaged in fighting the fire; or

(ii) he commits the act with the purpose of destroying or damaging an inhabited building or occupied structure of another.

(2) A person who commits arson endangering persons is guilty of murder of the second degree if the fire or explosion causes the death of any person, including but not limited to a firefighter, police officer or other person actively engaged in fighting the fire, and is guilty of murder of the first degree if the fire or explosion causes the death of any person and was set with the purpose of causing the death of another person.

(a.1) Aggravated arson.--

(1) A person commits a felony of the first degree if he intentionally starts a fire or causes an explosion, or if he aids, counsels, pays or agrees to pay another to cause a fire or explosion, whether on his own property or on that of another, and if:

(i) he thereby attempts to cause, or intentionally, knowingly or recklessly causes bodily injury to another person, including, but not limited to, a firefighter, police officer or other person actively engaged in fighting the fire; or

(ii) he commits an offense under this section which is graded as a felony when a person is present inside the property at the time of the offense.

(2) A person who commits aggravated arson is guilty of murder of the second degree if the fire or explosion causes the death of any person, including, but not limited to, a firefighter, police officer or other person actively engaged in fighting the fire.

(a.2) Arson of historic resource.--A person commits a felony of the second degree if the person, with the intent of destroying or damaging a historic resource of another, does any of the following:

(1) Intentionally starts a fire or causes an explosion, whether on the person's own property or that of another.

(2) Aids, counsels, pays or agrees to pay another to cause a fire or explosion.

(b) Sentence.--

(1) A person convicted of violating the provisions of subsection (a)(2), murder of the first degree, shall be sentenced to death or life imprisonment without right to parole; a person convicted of murder of the second degree, pursuant to subsection (a)(2), shall be sentenced to life imprisonment without right to parole. Notwithstanding provisions to the contrary, no language herein shall infringe upon the inherent powers of the Governor to commute said sentence.

(2) A person convicted under subsection (a.1) may be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years if:

(i) bodily injury results to a firefighter, police officer or other person actively engaged in fighting the fire; or

(ii) serious bodily injury results to a civilian.

§ 9711. Sentencing procedure for murder of the first degree.

(a) Procedure in jury trials.--

(1) After a verdict of murder of the first degree is recorded and before the jury is discharged, the court shall conduct a separate sentencing hearing in which the jury shall determine whether the defendant shall be sentenced to death or life imprisonment.

(2) In the sentencing hearing, evidence concerning the victim and the impact that the death of the victim has had on the family of the victim is admissible. Additionally, evidence may be presented as to any other matter that the court deems relevant and admissible on the question of the sentence to be imposed. Evidence shall include matters relating to any of the aggravating or mitigating circumstances specified in subsections (d) and (e), and information

concerning the victim and the impact that the death of the victim has had on the family of the victim. Evidence of aggravating circumstances shall be limited to those circumstances specified in subsection (d).

(3) After the presentation of evidence, the court shall permit counsel to present argument for or against the sentence of death. The court shall then instruct the jury in accordance with subsection (c).

(4) Failure of the jury to unanimously agree upon a sentence shall not impeach or in any way affect the guilty verdict previously recorded.

(b) Procedure in nonjury trials and guilty pleas.--If the defendant has waived a jury trial or pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose unless waived by the defendant with the consent of the Commonwealth, in which case the trial judge shall hear the evidence and determine the penalty in the same manner as would a jury as provided in subsection (a).

(c) Instructions to jury.--

(1) Before the jury retires to consider the sentencing verdict, the court shall instruct the jury on the following matters:

(i) The aggravating circumstances specified in subsection (d) as to which there is some evidence.

(ii) The mitigating circumstances specified in subsection (e) as to which there is some evidence.

(iii) Aggravating circumstances must be proved by the Commonwealth beyond a reasonable doubt; mitigating circumstances must be proved by the defendant by a preponderance of the evidence.

(iv) The verdict must be a sentence of death if the jury unanimously finds at least one aggravating circumstance specified in subsection (d) and no mitigating circumstance or if the jury unanimously finds one or more aggravating circumstances which outweigh any mitigating circumstances. The verdict must be a sentence of life imprisonment in all other cases.

(v) The court may, in its discretion, discharge the jury if it is of the opinion that further deliberation will not result in a unanimous agreement as to the sentence, in which case the court shall sentence the defendant to life imprisonment.

(2) The court shall instruct the jury that if it finds at least one aggravating circumstance and at least one mitigating circumstance, it shall consider, in weighing the aggravating and mitigating circumstances, any evidence presented about the victim and about the impact of the murder on the victim's family. The court shall also instruct the jury on any other matter that may be just and proper under the circumstances.

(d) Aggravating circumstances.--Aggravating circumstances shall be limited to the following:

(1) The victim was a firefighter, peace officer, public servant concerned in official detention, as defined in 18 Pa.C.S. § 5121 (relating to escape), judge of any court in the unified judicial system, the Attorney General of Pennsylvania, a deputy attorney general, district attorney, assistant district attorney, member of the General Assembly, Governor, Lieutenant Governor, Auditor General, State Treasurer, State law enforcement official, local law enforcement official, Federal law enforcement official or person employed to assist or assisting any law enforcement official in the performance of his duties, who was killed in the performance of his duties or as a result of his official position.

(2) The defendant paid or was paid by another person or had contracted to pay or be paid by another person or had conspired to pay or be paid by another person for the killing of the victim.

- (3) The victim was being held by the defendant for ransom or reward, or as a shield or hostage.
- (4) The death of the victim occurred while defendant was engaged in the hijacking of an aircraft.
- (5) The victim was a prosecution witness to a murder or other felony committed by the defendant and was killed for the purpose of preventing his testimony against the defendant in any grand jury or criminal proceeding involving such offenses.
- (6) The defendant committed a killing while in the perpetration of a felony.
- (7) In the commission of the offense the defendant knowingly created a grave risk of death to another person in addition to the victim of the offense.
- (8) The offense was committed by means of torture.
- (9) The defendant has a significant history of felony convictions involving the use or threat of violence to the person.
- (10) The defendant has been convicted of another Federal or State offense, committed either before or at the time of the offense at issue, for which a sentence of life imprisonment or death was imposable or the defendant was undergoing a sentence of life imprisonment for any reason at the time of the commission of the offense.
- (11) The defendant has been convicted of another murder committed in any jurisdiction and committed either before or at the time of the offense at issue.
- (12) The defendant has been convicted of voluntary manslaughter, as defined in 18 Pa.C.S. § 2503 (relating to voluntary manslaughter), or a substantially equivalent crime in any other jurisdiction, committed either before or at the time of the offense at issue.
- (13) The defendant committed the killing or was an accomplice in the killing, as defined in 18 Pa.C.S. § 306(c) (relating to liability for conduct of another; complicity), while in the perpetration of a felony under the provisions of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, and punishable under the provisions of 18 Pa.C.S. § 7508 (relating to drug trafficking sentencing and penalties).
- (14) At the time of the killing, the victim was or had been involved, associated or in competition with the defendant in the sale, manufacture, distribution or delivery of any controlled substance or counterfeit controlled substance in violation of The Controlled Substance, Drug, Device and Cosmetic Act or similar law of any other state, the District of Columbia or the United States, and the defendant committed the killing or was an accomplice to the killing as defined in 18 Pa.C.S. § 306(c), and the killing resulted from or was related to that association, involvement or competition to promote the defendant's activities in selling, manufacturing, distributing or delivering controlled substances or counterfeit controlled substances.
- (15) At the time of the killing, the victim was or had been a nongovernmental informant or had otherwise provided any investigative, law enforcement or police agency with information concerning criminal activity and the defendant committed the killing or was an accomplice to the killing as defined in 18 Pa.C.S. § 306(c), and the killing was in retaliation for the victim's activities as a nongovernmental informant or in providing information concerning criminal activity to an investigative, law enforcement or police agency.
- (16) The victim was a child under 12 years of age.
- (17) At the time of the killing, the victim was in her third trimester of pregnancy or the defendant had knowledge of the victim's pregnancy.
- (18) At the time of the killing the defendant was subject to a court order restricting in any way the defendant's behavior toward the victim pursuant to 23 Pa.C.S. Ch. 61 (relating to

protection from abuse) or any other order of a court of common pleas or of the minor judiciary designed in whole or in part to protect the victim from the defendant.

(e) Mitigating circumstances.--Mitigating circumstances shall include the following:

- (1) The defendant has no significant history of prior criminal convictions.
- (2) The defendant was under the influence of extreme mental or emotional disturbance.
- (3) The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired.
- (4) The age of the defendant at the time of the crime.
- (5) The defendant acted under extreme duress, although not such duress as to constitute a defense to prosecution under 18 Pa.C.S. § 309 (relating to duress), or acted under the substantial domination of another person.
- (6) The victim was a participant in the defendant's homicidal conduct or consented to the homicidal acts.
- (7) The defendant's participation in the homicidal act was relatively minor.
- (8) Any other evidence of mitigation concerning the character and record of the defendant and the circumstances of his offense.

(f) Sentencing verdict by the jury.--

(1) After hearing all the evidence and receiving the instructions from the court, the jury shall deliberate and render a sentencing verdict. In rendering the verdict, if the sentence is death, the jury shall set forth in such form as designated by the court the findings upon which the sentence is based.

(2) Based upon these findings, the jury shall set forth in writing whether the sentence is death or life imprisonment.

(g) Recording sentencing verdict.--Whenever the jury shall agree upon a sentencing verdict, it shall be received and recorded by the court. The court shall thereafter impose upon the defendant the sentence fixed by the jury.

(h) Review of death sentence.--

(1) A sentence of death shall be subject to automatic review by the Supreme Court of Pennsylvania pursuant to its rules.

(2) In addition to its authority to correct errors at trial, the Supreme Court shall either affirm the sentence of death or vacate the sentence of death and remand for further proceedings as provided in paragraph (4).

(3) The Supreme Court shall affirm the sentence of death unless it determines that:

(i) the sentence of death was the product of passion, prejudice or any other arbitrary factor;
or

(ii) the evidence fails to support the finding of at least one aggravating circumstance specified in subsection (d).

(4) If the Supreme Court determines that the death penalty must be vacated because none of the aggravating circumstances are supported by sufficient evidence, then it shall remand for the imposition of a life imprisonment sentence. If the Supreme Court determines that the death penalty must be vacated for any other reason, it shall remand for a new sentencing hearing pursuant to subsections (a) through (g).

(i) Record of death sentence to Governor.--Where a sentence of death is upheld by the Supreme Court, the prothonotary of the Supreme Court shall transmit to the Governor a full and complete record of the trial, sentencing hearing, imposition of sentence, opinion and order by the Supreme Court within 30 days of one of the following, whichever occurs first:

(1) the expiration of the time period for filing a petition for writ of certiorari or extension thereof where neither has been filed;

(2) the denial of a petition for writ of certiorari; or

(3) the disposition of the appeal by the United States Supreme Court, if that court grants the petition for writ of certiorari.

Notice of this transmission shall contemporaneously be provided to the Secretary of Corrections.

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

Last session, Rep. Rabb's HB 999 passed out of the House Judiciary Committee 15-10 on October 31, 2023. Rep. Schemel joined the majority with his affirmative vote.

Death penalty repeal and moratorium bills have been introduced over at least the past 20 years with little movement. The most recent legislation was House Bill 999 of 2021, HB 2211 of 2019, both were referred to Judiciary but saw no action even though republican Representative Frank Ryan was a co-prime on each bill.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 888 Session of 2025

INTRODUCED BY DIAMOND, M. BROWN, HANBIDGE, D'ORSIE, WAXMAN,
DAVIDSON AND KHAN, MARCH 17, 2025

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 17, 2025

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 42 (Judiciary and
2 Judicial Procedure) and 61 (Prisons and Parole) of the
3 Pennsylvania Consolidated Statutes, in authorized disposition
4 of offenders, further providing for sentence for murder,
5 murder of unborn child and murder of law enforcement officer;
6 in arson, criminal mischief and other property destruction,
7 further providing for the offense of arson and related
8 offenses; in jurisdiction of appellate courts, further
9 providing for direct appeals from courts of common pleas; in
10 post-trial matters, further providing for postconviction DNA
11 testing and for disposition and appeal; in sentencing,
12 further providing for sentencing procedure for murder of the
13 first degree; and, in execution procedure and method,
14 repealing provisions relating to issuance of warrant.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Sections 1102(a) and 3301(b)(1) of Title 18 of
18 the Pennsylvania Consolidated Statutes are amended to read:

19 § 1102. Sentence for murder, murder of unborn child and murder
20 of law enforcement officer.

21 (a) First degree.--

22 (1) Except as provided under section 1102.1 (relating to
23 sentence of persons under the age of 18 for murder, murder of
24 an unborn child and murder of a law enforcement officer), a

1 person who has been convicted of a murder of the first degree
2 or of murder of a law enforcement officer of the first degree
3 shall be sentenced to [death or to] a term of life
4 imprisonment in accordance with 42 Pa.C.S. § 9711 (relating
5 to sentencing procedure for murder of the first degree).

6 (2) The sentence for a person who has been convicted of
7 first degree murder of an unborn child shall be the same as
8 the sentence for murder of the first degree. [, except that
9 the death penalty shall not be imposed. This paragraph shall
10 not affect the determination of an aggravating circumstance
11 under 42 Pa.C.S. § 9711(d) (17) for the killing of a pregnant
12 woman.]

13 * * *

14 § 3301. Arson and related offenses.

15 * * *

16 (b) Sentence.--

17 (1) A person convicted of violating the provisions of
18 subsection (a) (2), murder of the first degree[,] or second
19 degree shall be sentenced to [death or] life imprisonment
20 without right to parole[; a person convicted of murder of the
21 second degree, pursuant to subsection (a) (2), shall be
22 sentenced to life imprisonment without right to parole].

23 Notwithstanding provisions to the contrary, no language
24 herein shall infringe upon the inherent powers of the
25 Governor to commute said sentence.

26 * * *

27 Section 2. Sections 722(4), 9543.1(a) (6), (c) (2) and (3) and
28 (d) (2), 9577(a) and 9711 of Title 42 are amended to read:

29 § 722. Direct appeals from courts of common pleas.

30 The Supreme Court shall have exclusive jurisdiction of

1 appeals from final orders of the courts of common pleas in the
2 following classes of cases:

3 * * *

4 (4) Automatic review of sentences as provided by 42
5 Pa.C.S. [§§ 9546(d) (relating to relief and order) and
6 9711(h) (relating to review of death sentence)] § 9546(d)
7 (relating to relief and order).

8 * * *

9 § 9543.1. Postconviction DNA testing.

10 (a) Motion.--

11 * * *

12 (6) The motion shall explain how, after review of the
13 record of the applicant's trial, there is a reasonable
14 possibility if the applicant is under State supervision, or
15 there is a reasonable probability if the applicant is not
16 under State supervision, or after review of the record of the
17 applicant's guilty plea there is a reasonable probability,
18 that the testing would produce exculpatory evidence that
19 would establish:

20 (i) the applicant's actual innocence of the offense
21 for which the applicant was convicted;

22 [(ii) in a capital case, the applicant's actual
23 innocence of the charged or uncharged conduct
24 constituting an aggravating circumstance under section
25 9711(d) (relating to sentencing procedure for murder of
26 the first degree) if the applicant's exoneration of the
27 conduct would result in vacating a sentence of death; or

28 (iii) in a capital case, a mitigating circumstance
29 under section 9711(e) (7) under the circumstances set
30 forth in section 9711(c) (1) (iv)].

1 * * *

2 (c) Requirements.--In any motion under subsection (a), under
3 penalty of perjury, the applicant shall:

4 * * *

5 (2) (i) in a sworn statement subject to the penalties
6 under 18 Pa.C.S. §§ 4902 (relating to perjury) and 4903
7 (relating to false swearing), assert the applicant's
8 actual innocence of the offense for which the applicant
9 was convicted and that the applicant seeks DNA testing
10 for the purpose of demonstrating the applicant's actual
11 innocence; and

12 [(ii) in a capital case:

13 (A) assert the applicant's actual innocence of
14 the charged or uncharged conduct constituting an
15 aggravating circumstance under section 9711(d) if the
16 applicant's exoneration of the conduct would result
17 in vacating a sentence of death; or

18 (B) assert that the outcome of the DNA testing
19 would establish a mitigating circumstance under
20 section 9711(e) (7) if that mitigating circumstance
21 was presented to the sentencing judge or jury and
22 facts as to that issue were in dispute at the
23 sentencing hearing.]

24 (3) present a prima facie case demonstrating that the:

25 (i) identity of or the participation in the crime by
26 the perpetrator was at issue in the proceedings that
27 resulted in the applicant's conviction and sentencing;
28 and

29 (ii) DNA testing of the specific evidence, assuming
30 exculpatory results, would establish:

1 (A) the applicant's actual innocence of the
2 offense for which the applicant was convicted;

3 [(B) in a capital case, the applicant's actual
4 innocence of the charged or uncharged conduct
5 constituting an aggravating circumstance under
6 section 9711(d) if the applicant's exoneration of the
7 conduct would result in vacating a sentence of death;
8 or

9 (C) in a capital case, a mitigating circumstance
10 under section 9711(e) (7) under the circumstances set
11 forth in section 9711(c) (1) (iv).]

12 (d) Order.--

13 * * *

14 (2) The court shall not order the testing requested in a
15 motion under subsection (a) if, after review of the record of
16 the applicant's trial, the court determines that there is no
17 reasonable possibility for an applicant under State
18 supervision, or there is no reasonable probability for an
19 applicant not under State supervision, or after review of the
20 record of the applicant's guilty plea, the court determines
21 that there is no reasonable probability, that the testing
22 would produce exculpatory evidence that:

23 (i) would establish the applicant's actual innocence
24 of the offense for which the applicant was convicted;

25 [(ii) in a capital case, would establish the
26 applicant's actual innocence of the charged or uncharged
27 conduct constituting an aggravating circumstance under
28 section 9711(d) if the applicant's exoneration of the
29 conduct would result in vacating a sentence of death; or

30 (iii) in a capital case, would establish a

1 mitigating circumstance under section 9711(e) (7) under
2 the circumstances set forth in section 9711(c) (1) (iv).]

3 * * *

4 § 9577. Disposition and appeal.

5 [(a) Capital unitary review.--Review by the Supreme Court
6 under section 9711(h) (relating to review of death sentence)
7 shall comprise direct appeal and collateral appeal. The common
8 pleas court order disposing of the petition under this
9 subchapter shall constitute the final judgment for purposes of
10 this review.]

11 * * *

12 § 9711. Sentencing procedure for murder of the first degree.

13 [(a) Procedure in jury trials.--

14 (1)] After a verdict of murder of the first degree is
15 recorded [and before the jury is discharged], the court shall
16 [conduct a separate sentencing hearing in which the jury
17 shall determine whether the defendant shall be sentenced to
18 death or] sentence the defendant to life imprisonment.

19 [(2) In the sentencing hearing, evidence concerning the
20 victim and the impact that the death of the victim has had on
21 the family of the victim is admissible. Additionally,
22 evidence may be presented as to any other matter that the
23 court deems relevant and admissible on the question of the
24 sentence to be imposed. Evidence shall include matters
25 relating to any of the aggravating or mitigating
26 circumstances specified in subsections (d) and (e), and
27 information concerning the victim and the impact that the
28 death of the victim has had on the family of the victim.
29 Evidence of aggravating circumstances shall be limited to
30 those circumstances specified in subsection (d).]

1 (3) After the presentation of evidence, the court shall
2 permit counsel to present argument for or against the
3 sentence of death. The court shall then instruct the jury in
4 accordance with subsection (c).

5 (4) Failure of the jury to unanimously agree upon a
6 sentence shall not impeach or in any way affect the guilty
7 verdict previously recorded.

8 (b) Procedure in nonjury trials and guilty pleas.--If the
9 defendant has waived a jury trial or pleaded guilty, the
10 sentencing proceeding shall be conducted before a jury impaneled
11 for that purpose unless waived by the defendant with the consent
12 of the Commonwealth, in which case the trial judge shall hear
13 the evidence and determine the penalty in the same manner as
14 would a jury as provided in subsection (a).

15 (c) Instructions to jury.--

16 (1) Before the jury retires to consider the sentencing
17 verdict, the court shall instruct the jury on the following
18 matters:

19 (i) The aggravating circumstances specified in
20 subsection (d) as to which there is some evidence.

21 (ii) The mitigating circumstances specified in
22 subsection (e) as to which there is some evidence.

23 (iii) Aggravating circumstances must be proved by
24 the Commonwealth beyond a reasonable doubt; mitigating
25 circumstances must be proved by the defendant by a
26 preponderance of the evidence.

27 (iv) The verdict must be a sentence of death if the
28 jury unanimously finds at least one aggravating
29 circumstance specified in subsection (d) and no
30 mitigating circumstance or if the jury unanimously finds

1 one or more aggravating circumstances which outweigh any
2 mitigating circumstances. The verdict must be a sentence
3 of life imprisonment in all other cases.

4 (v) The court may, in its discretion, discharge the
5 jury if it is of the opinion that further deliberation
6 will not result in a unanimous agreement as to the
7 sentence, in which case the court shall sentence the
8 defendant to life imprisonment.

9 (2) The court shall instruct the jury that if it finds
10 at least one aggravating circumstance and at least one
11 mitigating circumstance, it shall consider, in weighing the
12 aggravating and mitigating circumstances, any evidence
13 presented about the victim and about the impact of the murder
14 on the victim's family. The court shall also instruct the
15 jury on any other matter that may be just and proper under
16 the circumstances.

17 (d) Aggravating circumstances.--Aggravating circumstances
18 shall be limited to the following:

19 (1) The victim was a firefighter, peace officer, public
20 servant concerned in official detention, as defined in 18
21 Pa.C.S. § 5121 (relating to escape), judge of any court in
22 the unified judicial system, the Attorney General of
23 Pennsylvania, a deputy attorney general, district attorney,
24 assistant district attorney, member of the General Assembly,
25 Governor, Lieutenant Governor, Auditor General, State
26 Treasurer, State law enforcement official, local law
27 enforcement official, Federal law enforcement official or
28 person employed to assist or assisting any law enforcement
29 official in the performance of his duties, who was killed in
30 the performance of his duties or as a result of his official

1 position.

2 (2) The defendant paid or was paid by another person or
3 had contracted to pay or be paid by another person or had
4 conspired to pay or be paid by another person for the killing
5 of the victim.

6 (3) The victim was being held by the defendant for
7 ransom or reward, or as a shield or hostage.

8 (4) The death of the victim occurred while defendant was
9 engaged in the hijacking of an aircraft.

10 (5) The victim was a prosecution witness to a murder or
11 other felony committed by the defendant and was killed for
12 the purpose of preventing his testimony against the defendant
13 in any grand jury or criminal proceeding involving such
14 offenses.

15 (6) The defendant committed a killing while in the
16 perpetration of a felony.

17 (7) In the commission of the offense the defendant
18 knowingly created a grave risk of death to another person in
19 addition to the victim of the offense.

20 (8) The offense was committed by means of torture.

21 (9) The defendant has a significant history of felony
22 convictions involving the use or threat of violence to the
23 person.

24 (10) The defendant has been convicted of another Federal
25 or State offense, committed either before or at the time of
26 the offense at issue, for which a sentence of life
27 imprisonment or death was imposable or the defendant was
28 undergoing a sentence of life imprisonment for any reason at
29 the time of the commission of the offense.

30 (11) The defendant has been convicted of another murder

1 committed in any jurisdiction and committed either before or
2 at the time of the offense at issue.

3 (12) The defendant has been convicted of voluntary
4 manslaughter, as defined in 18 Pa.C.S. § 2503 (relating to
5 voluntary manslaughter), or a substantially equivalent crime
6 in any other jurisdiction, committed either before or at the
7 time of the offense at issue.

8 (13) The defendant committed the killing or was an
9 accomplice in the killing, as defined in 18 Pa.C.S. § 306(c)
10 (relating to liability for conduct of another; complicity),
11 while in the perpetration of a felony under the provisions of
12 the act of April 14, 1972 (P.L.233, No.64), known as The
13 Controlled Substance, Drug, Device and Cosmetic Act, and
14 punishable under the provisions of 18 Pa.C.S. § 7508
15 (relating to drug trafficking sentencing and penalties).

16 (14) At the time of the killing, the victim was or had
17 been involved, associated or in competition with the
18 defendant in the sale, manufacture, distribution or delivery
19 of any controlled substance or counterfeit controlled
20 substance in violation of The Controlled Substance, Drug,
21 Device and Cosmetic Act or similar law of any other state,
22 the District of Columbia or the United States, and the
23 defendant committed the killing or was an accomplice to the
24 killing as defined in 18 Pa.C.S. § 306(c), and the killing
25 resulted from or was related to that association, involvement
26 or competition to promote the defendant's activities in
27 selling, manufacturing, distributing or delivering controlled
28 substances or counterfeit controlled substances.

29 (15) At the time of the killing, the victim was or had
30 been a nongovernmental informant or had otherwise provided

1 any investigative, law enforcement or police agency with
2 information concerning criminal activity and the defendant
3 committed the killing or was an accomplice to the killing as
4 defined in 18 Pa.C.S. § 306(c), and the killing was in
5 retaliation for the victim's activities as a nongovernmental
6 informant or in providing information concerning criminal
7 activity to an investigative, law enforcement or police
8 agency.

9 (16) The victim was a child under 12 years of age.

10 (17) At the time of the killing, the victim was in her
11 third trimester of pregnancy or the defendant had knowledge
12 of the victim's pregnancy.

13 (18) At the time of the killing the defendant was
14 subject to a court order restricting in any way the
15 defendant's behavior toward the victim pursuant to 23 Pa.C.S.
16 Ch. 61 (relating to protection from abuse) or any other order
17 of a court of common pleas or of the minor judiciary designed
18 in whole or in part to protect the victim from the defendant.

19 (e) Mitigating circumstances.--Mitigating circumstances
20 shall include the following:

21 (1) The defendant has no significant history of prior
22 criminal convictions.

23 (2) The defendant was under the influence of extreme
24 mental or emotional disturbance.

25 (3) The capacity of the defendant to appreciate the
26 criminality of his conduct or to conform his conduct to the
27 requirements of law was substantially impaired.

28 (4) The age of the defendant at the time of the crime.

29 (5) The defendant acted under extreme duress, although
30 not such duress as to constitute a defense to prosecution

1 under 18 Pa.C.S. § 309 (relating to duress), or acted under
2 the substantial domination of another person.

3 (6) The victim was a participant in the defendant's
4 homicidal conduct or consented to the homicidal acts.

5 (7) The defendant's participation in the homicidal act
6 was relatively minor.

7 (8) Any other evidence of mitigation concerning the
8 character and record of the defendant and the circumstances
9 of his offense.

10 (f) Sentencing verdict by the jury.--

11 (1) After hearing all the evidence and receiving the
12 instructions from the court, the jury shall deliberate and
13 render a sentencing verdict. In rendering the verdict, if the
14 sentence is death, the jury shall set forth in such form as
15 designated by the court the findings upon which the sentence
16 is based.

17 (2) Based upon these findings, the jury shall set forth
18 in writing whether the sentence is death or life
19 imprisonment.

20 (g) Recording sentencing verdict.--Whenever the jury shall
21 agree upon a sentencing verdict, it shall be received and
22 recorded by the court. The court shall thereafter impose upon
23 the defendant the sentence fixed by the jury.

24 (h) Review of death sentence.--

25 (1) A sentence of death shall be subject to automatic
26 review by the Supreme Court of Pennsylvania pursuant to its
27 rules.

28 (2) In addition to its authority to correct errors at
29 trial, the Supreme Court shall either affirm the sentence of
30 death or vacate the sentence of death and remand for further

1 proceedings as provided in paragraph (4).

2 (3) The Supreme Court shall affirm the sentence of death
3 unless it determines that:

4 (i) the sentence of death was the product of
5 passion, prejudice or any other arbitrary factor; or

6 (ii) the evidence fails to support the finding of at
7 least one aggravating circumstance specified in
8 subsection (d).

9 (4) If the Supreme Court determines that the death
10 penalty must be vacated because none of the aggravating
11 circumstances are supported by sufficient evidence, then it
12 shall remand for the imposition of a life imprisonment
13 sentence. If the Supreme Court determines that the death
14 penalty must be vacated for any other reason, it shall remand
15 for a new sentencing hearing pursuant to subsections (a)
16 through (g).

17 (i) Record of death sentence to Governor.--Where a sentence
18 of death is upheld by the Supreme Court, the prothonotary of the
19 Supreme Court shall transmit to the Governor a full and complete
20 record of the trial, sentencing hearing, imposition of sentence,
21 opinion and order by the Supreme Court within 30 days of one of
22 the following, whichever occurs first:

23 (1) the expiration of the time period for filing a
24 petition for writ of certiorari or extension thereof where
25 neither has been filed;

26 (2) the denial of a petition for writ of certiorari; or

27 (3) the disposition of the appeal by the United States
28 Supreme Court, if that court grants the petition for writ of
29 certiorari.

30 Notice of this transmission shall contemporaneously be provided

1 to the Secretary of Corrections.]

2 Section 3. Section 4302 of Title 61 is repealed:

3 [§ 4302. Issuance of warrant.

4 (a) Time.--

5 (1) After the receipt of the record pursuant to 42
6 Pa.C.S. § 9711(i) (relating to sentencing procedure for
7 murder of the first degree), unless a pardon or commutation
8 has been issued, the Governor shall, within 90 days, issue a
9 warrant specifying a day for execution which shall be no
10 later than 60 days after the date the warrant is signed.

11 (2) If, because of a reprieve or a judicial stay of the
12 execution, the date of execution passes without imposition of
13 the death penalty, unless a pardon or commutation has been
14 issued, the Governor shall, within 30 days after receiving
15 notice of the termination of the reprieve or the judicial
16 stay, reissue a warrant specifying a day for execution which
17 shall be no later than 60 days after the date of reissuance
18 of the warrant.

19 (b) Secretary.--The warrant shall be directed to the
20 secretary commanding that the subject of the warrant be executed
21 on the day named in the warrant and in the manner prescribed by
22 law.

23 (c) Failure to timely comply.--If the Governor fails to
24 timely comply with the provisions of this section and a pardon
25 or commutation has not been issued, the secretary shall, within
26 30 days following the Governor's failure to comply, schedule and
27 carry out the execution no later than 60 days from the date by
28 which the Governor was required to sign the warrant under
29 subsection (a).]

30 Section 4. This act shall apply to defendants and

1 individuals who have not been sentenced as of the effective date
2 of this section.

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

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB0888 PN0960	Prepared By:	David Vitale, Esq. (717) 705-7011,6791
Committee:	Judiciary	Executive Director:	David Vitale, Esq.
Sponsor:	Diamond, Russell		
Date:	4/11/2025		

A. Brief Concept

Repeals the Death Penalty.

C. Analysis of the Bill

Deletes language in Title 18 and Title 42 permitting a death sentence in the Commonwealth. Should this bill become law, the most severe criminal penalty in the Commonwealth will be life in prison.

Effective Date:

60 Days. This act shall apply to defendants who have not been sentenced as of the effective date of this section.

G. Relevant Existing Laws

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

(a) First degree.--

(1) Except as provided under section 1102.1 (relating to sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer), a person who has been convicted of a murder of the first degree or of murder of a law enforcement officer of the first degree shall be sentenced to death or to a term of life imprisonment in accordance with 42 Pa.C.S. § 9711 (relating to sentencing procedure for murder of the first degree).

(2) The sentence for a person who has been convicted of first degree murder of an unborn child shall be the same as the sentence for murder of the first degree, except that the death penalty shall not be imposed. This paragraph shall not affect the determination of an aggravating circumstance under 42 Pa.C.S. § 9711(d)(17) for the killing of a pregnant woman.

§ 3301. Arson and related offenses.

(a) Arson endangering persons.--

(1) A person commits a felony of the first degree if he intentionally starts a fire or causes an explosion, or if he aids, counsels, pays or agrees to pay another to cause a fire or explosion, whether on his own property or on that of another, and if:

(i) he thereby recklessly places another person in danger of death or bodily injury, including but not limited to a firefighter, police officer or other person actively engaged in fighting the fire; or

(ii) he commits the act with the purpose of destroying or damaging an inhabited building or occupied structure of another.

(2) A person who commits arson endangering persons is guilty of murder of the second degree if the fire or explosion causes the death of any person, including but not limited to a firefighter, police officer or other person actively engaged in fighting the fire, and is guilty of murder of the first degree if the fire or explosion causes the death of any person and was set with the purpose of causing the death of another person.

(a.1) Aggravated arson.--

(1) A person commits a felony of the first degree if he intentionally starts a fire or causes an explosion, or if he aids, counsels, pays or agrees to pay another to cause a fire or explosion, whether on his own property or on that of another, and if:

(i) he thereby attempts to cause, or intentionally, knowingly or recklessly causes bodily injury to another person, including, but not limited to, a firefighter, police officer or other person actively engaged in fighting the fire; or

(ii) he commits an offense under this section which is graded as a felony when a person is present inside the property at the time of the offense.

(2) A person who commits aggravated arson is guilty of murder of the second degree if the fire or explosion causes the death of any person, including, but not limited to, a firefighter, police officer or other person actively engaged in fighting the fire.

(a.2) Arson of historic resource.--A person commits a felony of the second degree if the person, with the intent of destroying or damaging a historic resource of another, does any of the following:

(1) Intentionally starts a fire or causes an explosion, whether on the person's own property or that of another.

(2) Aids, counsels, pays or agrees to pay another to cause a fire or explosion.

(b) Sentence.--

(1) A person convicted of violating the provisions of subsection (a)(2), murder of the first degree, shall be sentenced to death or life imprisonment without right to parole; a person convicted of murder of the second degree, pursuant to subsection (a)(2), shall be sentenced to life imprisonment without right to parole. Notwithstanding provisions to the contrary, no language herein shall infringe upon the inherent powers of the Governor to commute said sentence.

(2) A person convicted under subsection (a.1) may be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years if:

(i) bodily injury results to a firefighter, police officer or other person actively engaged in fighting the fire; or

(ii) serious bodily injury results to a civilian.

§ 9711. Sentencing procedure for murder of the first degree.

(a) Procedure in jury trials.--

(1) After a verdict of murder of the first degree is recorded and before the jury is discharged, the court shall conduct a separate sentencing hearing in which the jury shall determine whether the defendant shall be sentenced to death or life imprisonment.

(2) In the sentencing hearing, evidence concerning the victim and the impact that the death of the victim has had on the family of the victim is admissible. Additionally, evidence may be presented as to any other matter that the court deems relevant and admissible on the question of the sentence to be imposed. Evidence shall include matters relating to any of the aggravating or mitigating circumstances specified in subsections (d) and (e), and information

concerning the victim and the impact that the death of the victim has had on the family of the victim. Evidence of aggravating circumstances shall be limited to those circumstances specified in subsection (d).

(3) After the presentation of evidence, the court shall permit counsel to present argument for or against the sentence of death. The court shall then instruct the jury in accordance with subsection (c).

(4) Failure of the jury to unanimously agree upon a sentence shall not impeach or in any way affect the guilty verdict previously recorded.

(b) Procedure in nonjury trials and guilty pleas.--If the defendant has waived a jury trial or pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose unless waived by the defendant with the consent of the Commonwealth, in which case the trial judge shall hear the evidence and determine the penalty in the same manner as would a jury as provided in subsection (a).

(c) Instructions to jury.--

(1) Before the jury retires to consider the sentencing verdict, the court shall instruct the jury on the following matters:

(i) The aggravating circumstances specified in subsection (d) as to which there is some evidence.

(ii) The mitigating circumstances specified in subsection (e) as to which there is some evidence.

(iii) Aggravating circumstances must be proved by the Commonwealth beyond a reasonable doubt; mitigating circumstances must be proved by the defendant by a preponderance of the evidence.

(iv) The verdict must be a sentence of death if the jury unanimously finds at least one aggravating circumstance specified in subsection (d) and no mitigating circumstance or if the jury unanimously finds one or more aggravating circumstances which outweigh any mitigating circumstances. The verdict must be a sentence of life imprisonment in all other cases.

(v) The court may, in its discretion, discharge the jury if it is of the opinion that further deliberation will not result in a unanimous agreement as to the sentence, in which case the court shall sentence the defendant to life imprisonment.

(2) The court shall instruct the jury that if it finds at least one aggravating circumstance and at least one mitigating circumstance, it shall consider, in weighing the aggravating and mitigating circumstances, any evidence presented about the victim and about the impact of the murder on the victim's family. The court shall also instruct the jury on any other matter that may be just and proper under the circumstances.

(d) Aggravating circumstances.--Aggravating circumstances shall be limited to the following:

(1) The victim was a firefighter, peace officer, public servant concerned in official detention, as defined in 18 Pa.C.S. § 5121 (relating to escape), judge of any court in the unified judicial system, the Attorney General of Pennsylvania, a deputy attorney general, district attorney, assistant district attorney, member of the General Assembly, Governor, Lieutenant Governor, Auditor General, State Treasurer, State law enforcement official, local law enforcement official, Federal law enforcement official or person employed to assist or assisting any law enforcement official in the performance of his duties, who was killed in the performance of his duties or as a result of his official position.

(2) The defendant paid or was paid by another person or had contracted to pay or be paid by another person or had conspired to pay or be paid by another person for the killing of the victim.

- (3) The victim was being held by the defendant for ransom or reward, or as a shield or hostage.
- (4) The death of the victim occurred while defendant was engaged in the hijacking of an aircraft.
- (5) The victim was a prosecution witness to a murder or other felony committed by the defendant and was killed for the purpose of preventing his testimony against the defendant in any grand jury or criminal proceeding involving such offenses.
- (6) The defendant committed a killing while in the perpetration of a felony.
- (7) In the commission of the offense the defendant knowingly created a grave risk of death to another person in addition to the victim of the offense.
- (8) The offense was committed by means of torture.
- (9) The defendant has a significant history of felony convictions involving the use or threat of violence to the person.
- (10) The defendant has been convicted of another Federal or State offense, committed either before or at the time of the offense at issue, for which a sentence of life imprisonment or death was imposable or the defendant was undergoing a sentence of life imprisonment for any reason at the time of the commission of the offense.
- (11) The defendant has been convicted of another murder committed in any jurisdiction and committed either before or at the time of the offense at issue.
- (12) The defendant has been convicted of voluntary manslaughter, as defined in 18 Pa.C.S. § 2503 (relating to voluntary manslaughter), or a substantially equivalent crime in any other jurisdiction, committed either before or at the time of the offense at issue.
- (13) The defendant committed the killing or was an accomplice in the killing, as defined in 18 Pa.C.S. § 306(c) (relating to liability for conduct of another; complicity), while in the perpetration of a felony under the provisions of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, and punishable under the provisions of 18 Pa.C.S. § 7508 (relating to drug trafficking sentencing and penalties).
- (14) At the time of the killing, the victim was or had been involved, associated or in competition with the defendant in the sale, manufacture, distribution or delivery of any controlled substance or counterfeit controlled substance in violation of The Controlled Substance, Drug, Device and Cosmetic Act or similar law of any other state, the District of Columbia or the United States, and the defendant committed the killing or was an accomplice to the killing as defined in 18 Pa.C.S. § 306(c), and the killing resulted from or was related to that association, involvement or competition to promote the defendant's activities in selling, manufacturing, distributing or delivering controlled substances or counterfeit controlled substances.
- (15) At the time of the killing, the victim was or had been a nongovernmental informant or had otherwise provided any investigative, law enforcement or police agency with information concerning criminal activity and the defendant committed the killing or was an accomplice to the killing as defined in 18 Pa.C.S. § 306(c), and the killing was in retaliation for the victim's activities as a nongovernmental informant or in providing information concerning criminal activity to an investigative, law enforcement or police agency.
- (16) The victim was a child under 12 years of age.
- (17) At the time of the killing, the victim was in her third trimester of pregnancy or the defendant had knowledge of the victim's pregnancy.
- (18) At the time of the killing the defendant was subject to a court order restricting in any way the defendant's behavior toward the victim pursuant to 23 Pa.C.S. Ch. 61 (relating to

protection from abuse) or any other order of a court of common pleas or of the minor judiciary designed in whole or in part to protect the victim from the defendant.

(e) Mitigating circumstances.--Mitigating circumstances shall include the following:

- (1) The defendant has no significant history of prior criminal convictions.
- (2) The defendant was under the influence of extreme mental or emotional disturbance.
- (3) The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired.
- (4) The age of the defendant at the time of the crime.
- (5) The defendant acted under extreme duress, although not such duress as to constitute a defense to prosecution under 18 Pa.C.S. § 309 (relating to duress), or acted under the substantial domination of another person.
- (6) The victim was a participant in the defendant's homicidal conduct or consented to the homicidal acts.
- (7) The defendant's participation in the homicidal act was relatively minor.
- (8) Any other evidence of mitigation concerning the character and record of the defendant and the circumstances of his offense.

(f) Sentencing verdict by the jury.--

(1) After hearing all the evidence and receiving the instructions from the court, the jury shall deliberate and render a sentencing verdict. In rendering the verdict, if the sentence is death, the jury shall set forth in such form as designated by the court the findings upon which the sentence is based.

(2) Based upon these findings, the jury shall set forth in writing whether the sentence is death or life imprisonment.

(g) Recording sentencing verdict.--Whenever the jury shall agree upon a sentencing verdict, it shall be received and recorded by the court. The court shall thereafter impose upon the defendant the sentence fixed by the jury.

(h) Review of death sentence.--

(1) A sentence of death shall be subject to automatic review by the Supreme Court of Pennsylvania pursuant to its rules.

(2) In addition to its authority to correct errors at trial, the Supreme Court shall either affirm the sentence of death or vacate the sentence of death and remand for further proceedings as provided in paragraph (4).

(3) The Supreme Court shall affirm the sentence of death unless it determines that:

(i) the sentence of death was the product of passion, prejudice or any other arbitrary factor;
or

(ii) the evidence fails to support the finding of at least one aggravating circumstance specified in subsection (d).

(4) If the Supreme Court determines that the death penalty must be vacated because none of the aggravating circumstances are supported by sufficient evidence, then it shall remand for the imposition of a life imprisonment sentence. If the Supreme Court determines that the death penalty must be vacated for any other reason, it shall remand for a new sentencing hearing pursuant to subsections (a) through (g).

(i) Record of death sentence to Governor.--Where a sentence of death is upheld by the Supreme Court, the prothonotary of the Supreme Court shall transmit to the Governor a full and complete record of the trial, sentencing hearing, imposition of sentence, opinion and order by the Supreme Court within 30 days of one of the following, whichever occurs first:

(1) the expiration of the time period for filing a petition for writ of certiorari or extension thereof where neither has been filed;

(2) the denial of a petition for writ of certiorari; or

(3) the disposition of the appeal by the United States Supreme Court, if that court grants the petition for writ of certiorari.

Notice of this transmission shall contemporaneously be provided to the Secretary of Corrections.

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

Last session, Rep. Rabb's HB 999 passed out of the House Judiciary Committee 15-10 on October 31, 2023. Rep. Schemel joined the majority with his affirmative vote.

Death penalty repeal and moratorium bills have been introduced over at least the past 20 years with little movement. The most recent legislation was House Bill 999 of 2021, HB 2211 of 2019, both were referred to Judiciary but saw no action even though republican Representative Frank Ryan was a co-prime on each bill.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1944 Session of
2025

INTRODUCED BY FRIEL, KINKEAD, WAXMAN, KHAN, GAYDOS, HOWARD,
HILL-EVANS, HANBIDGE, MAYES, SANCHEZ, INGLIS, D. WILLIAMS AND
NEILSON, OCTOBER 14, 2025

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 16, 2025

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in minors, further providing for safe
3 harbor for violation of section 6308(a).

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

6 Section 1. Section 6308.1(a) introductory paragraph of Title
7 18 of the Pennsylvania Consolidated Statutes is amended to read:
8 § 6308.1. Safe harbor for violation of section 6308(a).

9 (a) Immunity for the individual seeking medical attention
10 for another.--An individual shall not be prosecuted for an
11 offense under section 6308(a) (relating to purchase,
12 consumption, possession or transportation of liquor or malt or
13 brewed beverages) or 2705 (relating to recklessly endangering
14 another person) if the individual can establish all of the
15 following:

16 * * *

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

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB1944 PN2453	Prepared By:	Michelle Batt, Esq. (717) 705-1880,6792
Committee:	Judiciary	Executive Director:	David Vitale, Esq.
Sponsor:	Friel, Paul and Kinkead, Emily		
Date:	1/12/2026		

A. Brief Concept

Clarifies the Good Samaritan law to encourage students and others to act quickly during emergencies such as overdoses or alcohol poisoning to help others without fear of being arrested as long as they comply with the law.

C. Analysis of the Bill

Clarify ambiguities in current law and provide stronger assurances that people who seek help will not face criminal charges.

The bill updates the Pennsylvania's medical amnesty law to provide immunity from certain charges when someone calls for emergency medical help for another person. Under this bill, individuals could not be charged with reckless endangerment if they call 911, remain at the scene until emergency responders arrive, and cooperate with first responders.

Specifically, the bill provides immunity from prosecution for a violation of Title 18 Pa.C.S.A Section 2705 (relating to recklessly endangering another person) for individuals who seek medical attention for another individual in compliance with the requirements of Title 18 Pa.C.S.A Section 6308.1(a) (relating to safe harbor for violation of section 6308(a)) by adding a reference to Title 18 Pa.C.S.A Section 2705 to Title 18 Pa.C.S.A Section 6308.1(a).

Effective Date:

60 Days.

G. Relevant Existing Laws

18 Pa.C.S. § 6308.1. Safe harbor for violation of section 6308(a).

(a) Immunity for the individual seeking medical attention for another.--An individual shall not be prosecuted for an offense under section 6308(a) (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) if the individual can establish all of the following:

(1) A law enforcement officer first became aware of the individual's violation of section 6308(a) because the individual placed a 911 call or contacted campus security, police or emergency services, based on a reasonable belief that another individual was in need of immediate medical attention to prevent death or serious bodily injury.

(2) The individual reasonably believed the individual was the first individual to make a 911 call or contact campus security, police or emergency services and report that the other individual needed immediate medical attention to prevent death or serious bodily injury.

(3) The individual provided the individual's own name to the 911 operator or equivalent campus security officer, police or emergency services personnel.

(4) The individual remained with the other individual needing medical assistance until a campus security officer, police or emergency services personnel arrived and the need for the individual's presence ended.

(b) Immunity for the individual needing medical attention.--An individual needing medical attention shall be immune under this section from prosecution for an offense under section 6308(a) if another individual reported the incident and remained with the individual needing medical attention and is entitled to immunity under this section.

(c) Limitations.--The immunity described under this section shall be limited as follows:

(1) This section may not bar prosecuting a person for an offense under section 6308(a) if a law enforcement officer learns of the offense prior to and independent of the action of seeking or obtaining emergency assistance as described in subsection (a).

(2) This section shall not interfere with or prevent the investigation, arrest, charging or prosecution of an individual for a crime other than an offense under section 6308(a).

(3) This section shall not bar the admissibility of evidence in connection with the investigation and prosecution for a crime other than an offense under section 6308(a).

(4) This section shall not bar the admissibility of evidence in connection with the investigation and prosecution of a crime with regard to another defendant who does not independently qualify for immunity under this section.

(d) Good faith immunity.--In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer, campus security officer or prosecuting attorney who, acting in good faith, charges a person who is thereafter determined to be entitled to immunity under this section shall not be subject to civil liability for the filing of the charges.

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

"911 system." A system, including enhanced 911 service and a wireless e-911 system, that permits a person dialing 911 by telephone to be connected to a public safety answering point, via normal telephone facilities, for the reporting of police, fire, medical or other emergency situations.

"Campus security officer." An employee of an institution of higher education charged with maintaining the safety and security of the property of the institution and persons on the property.

"Emergency services personnel." Individuals, including a trained volunteer or a member of the armed forces of the United States or the National Guard, whose official or assigned responsibilities include performing or directly supporting the performance of emergency medical and rescue services or firefighting.

"Law enforcement officer." A person who by virtue of the person's office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or a person on active State duty under 51 Pa.C.S. § 508 (relating to active duty for emergency).

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

None.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1945 Session of
2025

INTRODUCED BY FRIEL, KINKEAD, WAXMAN, KHAN, GAYDOS, HOWARD,
HILL-EVANS, HANBIDGE, MAYES, SANCHEZ, INGLIS, D. WILLIAMS AND
NEILSON, OCTOBER 14, 2025

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 16, 2025

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled
2 "An act relating to the manufacture, sale and possession of
3 controlled substances, other drugs, devices and cosmetics;
4 conferring powers on the courts and the secretary and
5 Department of Health, and a newly created Pennsylvania Drug,
6 Device and Cosmetic Board; establishing schedules of
7 controlled substances; providing penalties; requiring
8 registration of persons engaged in the drug trade and for the
9 revocation or suspension of certain licenses and
10 registrations; and repealing an act," further providing for
11 drug overdose response immunity.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 13.7(b) of the act of April 14, 1972
15 (P.L.233, No.64), known as The Controlled Substance, Drug,
16 Device and Cosmetic Act, is amended to read:

17 Section 13.7. Drug Overdose Response Immunity.--* * *

18 (b) (1) The prohibition on charging or prosecuting a person
19 as described in subsection (a) bars charging or prosecuting a
20 person for probation and parole violations and for violations of
21 section 13(a)(5), (16), (19), (31), (32), (33) and (37).

22 (2) A person as described in subsection (a) may not be

1 charged or prosecuted for an offense under 18 Pa.C.S. § 2705
2 (relating to recklessly endangering another person).

3 * * *

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

(ii) the person provided his own name and location and cooperated with the law enforcement officer, 911 system, campus security officer or emergency services personnel; and

(iii) the person remained with the person needing immediate medical attention until a law enforcement officer, a campus security officer or emergency services personnel arrived.

(b) The prohibition on charging or prosecuting a person as described in subsection (a) bars charging or prosecuting a person for probation and parole violations and for violations of section 13(a)(5), (16), (19), (31), (32), (33) and (37).

(c) Persons experiencing drug overdose events may not be charged and shall be immune from prosecution as provided in subsection (b) if a person who transported or reported and remained with them may not be charged and is entitled to immunity under this section.

(d) The prohibition on charging or prosecuting a person as described in this section is limited in the following respects:

(1) This section may not bar charging or prosecuting a person for offenses enumerated in subsection (b) if a law enforcement officer obtains information prior to or independent of the action of seeking or obtaining emergency assistance as described in subsection (a).

(2) This section may not interfere with or prevent the investigation, arrest, charging or prosecution of a person for the delivery or distribution of a controlled substance, drug-induced homicide or any other crime not set forth in subsection (b).

(3) This section may not bar the admissibility of any evidence in connection with the investigation and prosecution for any other prosecution not barred by this section.

(4) This section may not bar the admissibility of any evidence in connection with the investigation and prosecution of a crime with regard to another defendant who does not independently qualify for the prohibition on charging or prosecuting a person as provided for by this section.

(e) In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer or prosecuting attorney who, acting in good faith, charges a person who is thereafter determined to be entitled to immunity under this section shall not be subject to civil liability for the filing of the charges.

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

"911 system." A system, including enhanced 911 service and a wireless E-911 system, that permits a person dialing 911 by telephone to be connected to a public safety answering point, via normal telephone facilities, for the reporting of police, fire, medical or other emergency situations.

"Campus security officer." An employee of an institution of higher education charged with maintaining the safety and security of the property of the institution and the persons on the property.

"Drug overdose event." An acute medical condition, including, but not limited to, severe physical illness, coma, mania, hysteria or death, which is the result of

consumption or use of one or more controlled substances causing an adverse reaction. A patient's condition shall be deemed to be a drug overdose if a prudent layperson, possessing an average knowledge of medicine and health, would reasonably believe that the condition is in fact a drug overdose and requires immediate medical attention.

"Emergency services personnel." Individuals, including a trained volunteer or a member of the armed forces of the United States or the National Guard, whose official or assigned responsibilities include performing or directly supporting the performance of emergency medical and rescue services or firefighting.

"Law enforcement officer." A person who by virtue of the person's office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or a person on active State duty under 51 Pa.C.S. § 508 (relating to active duty for emergency).

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.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2028 Session of
2025

INTRODUCED BY SMITH-WADE-EL, HILL-EVANS, HOHENSTEIN, KINKEAD,
KENYATTA, ABNEY, McNEILL, WAXMAN, KRAJEWSKI, RIVERA, FIEDLER,
SANCHEZ, HOWARD, CURRY, D. WILLIAMS, MAYES AND CEPEDA-
FREYTIZ, NOVEMBER 10, 2025

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 12, 2025

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for permitted
3 use of public space; and, in matters affecting government
4 units, further providing for exceptions to sovereign
5 immunity.

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 chapter to read:

10 CHAPTER 70A

11 PERMITTED USE OF PUBLIC SPACE

12 Sec.

13 70A01. Definitions.

14 70A02. Permitted use of public space.

15 70A03. Affirmative defense.

16 70A04. Enforcement.

17 § 70A01. Definitions.

18 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Adequate alternative indoor space." A space that is legally
4 and physically accessible to an individual and that does not
5 require the individual to sacrifice any other personal right
6 afforded to them under Federal, State or local law. All of the
7 following shall apply:

8 (1) An adequate alternative indoor space must satisfy
9 all of the following:

10 (i) Be available indefinitely to the individual
11 without requiring daily reapplication.

12 (ii) Be free of charge.

13 (iii) Accommodate any disabilities.

14 (iv) Accept pets.

15 (v) Accommodate partners, whether the partners are
16 legally married or not, family members or other support
17 individuals.

18 (vi) Accommodate the individual's personal property.

19 (2) A tiny home or similar structure may be an adequate
20 alternative indoor space if the tiny home or similar
21 structure is climate-controlled, as appropriate to the local
22 climate conditions, and possesses all of the following:

23 (i) Locking doors.

24 (ii) Individual sanitary and cooking facilities or
25 common facilities sufficient to meet the needs of the
26 tiny home community.

27 (3) An adequate alternative indoor space in a
28 neighboring municipal corporation is presumptively
29 inaccessible unless adequate transportation is available at
30 no cost to the individual to ensure that the individual can

1 attend to any personal or professional business in the
2 municipal corporation of origin.

3 "Individual experiencing homelessness." An individual
4 lacking a fixed, regular and adequate nighttime residence,
5 including any of the following:

6 (1) Individuals sharing the housing of other individuals
7 due to loss of housing, economic hardship or a similar
8 reason.

9 (2) Individuals living in motels, hotels, trailer parks
10 or camping grounds due to the lack of alternative adequate
11 accommodations.

12 (3) Individuals living in emergency or transitional
13 shelters.

14 (4) Individuals abandoned in hospitals.

15 (5) Individuals awaiting foster care placement.

16 (6) Individuals living in a private place not designed
17 for or ordinarily used as a regular sleeping accommodation
18 for human beings within the meaning of 42 U.S.C. § 11302(a)
19 (2) (relating to general definition of homeless individual).

20 (7) Individuals living in cars, parks, public spaces,
21 abandoned buildings, substandard housing, bus or train
22 stations or similar settings.

23 (8) Individuals who meet the definition of "homeless
24 children and youths" as defined in 42 U.S.C. § 11434a(2)
25 (relating to definitions), regardless of whether an
26 individual is a child or youth.

27 "Life-sustaining activity." Moving, resting, sitting,
28 standing, lying down, sleeping, protecting oneself from the
29 natural elements, eating, drinking and storing personal property
30 as needed to safely shelter oneself.

1 "Municipal corporation." As defined in 8 Pa.C.S. § 101.1
2 (relating to definitions).

3 "Public space." Any property that is owned or leased, in
4 whole or in part, by the Commonwealth or a municipality or any
5 property upon which there is an easement for public use and that
6 is held open to the public, or any Federal land that is open to
7 the public, where State or local law enforcement has
8 jurisdiction to enforce State or local laws, including plazas,
9 courtyards, parking lots, sidewalks, public transportation
10 facilities and services, public buildings, shopping centers,
11 underpasses and lands adjacent to roadways and parks.

12 "Recreational vehicle." A travel trailer, camping trailer,
13 park trailer, camper, camper motor home or similar accommodation
14 that is primarily designed as temporary living quarters for
15 recreational camping or for seasonal or travel use and either
16 has its own motor power or is mounted on or drawn by another
17 vehicle.

18 § 70A02. Permitted use of public space.

19 (a) Public spaces.--An individual experiencing homelessness
20 may use public spaces for life-sustaining activities if the
21 activities do not obstruct a public walkway or public street in
22 a manner that pedestrians or vehicles cannot pass, unless
23 sufficient adequate alternative indoor space is available to the
24 individual experiencing homelessness in a municipal corporation
25 and has been offered to the individual, including transportation
26 for the individual and the individual's belongings.

27 (b) Private property.--An individual experiencing
28 homelessness may use private property for life-sustaining
29 activities with the verbal or written permission of the property
30 owner, unless sufficient adequate alternative indoor space is

1 available to the individual experiencing homelessness in a
2 municipal corporation and has been offered to the individual,
3 including transportation for the individual and the individual's
4 belongings.

5 (c) Civil and criminal penalties.--An individual
6 experiencing homelessness shall not receive or be charged with a
7 civil or criminal penalty or violation of soliciting, sharing,
8 accepting or offering food, water, money or other donations in
9 public spaces if the individual does not obstruct a public
10 walkway or public street in a manner that pedestrians or
11 vehicles cannot pass.

12 (d) Personal property protections.--An individual
13 experiencing homelessness shall receive the same degree of
14 protection for personal property stored in public spaces as
15 personal property stored in a private dwelling, including
16 protection against unreasonable search and seizure.

17 (e) Vehicles.--

18 (1) An individual experiencing homelessness shall not be
19 required to move a motor vehicle or a recreational vehicle if
20 the vehicle is parked on public property and the vehicle is
21 not parked in a position that obstructs the flow of traffic.
22 An individual experiencing homelessness shall not be required
23 to move a motor vehicle or a recreational vehicle that is on
24 private property with the permission of the private property
25 owner.

26 (2) If a motor vehicle or recreational vehicle must be
27 moved because the vehicle is obstructing the flow of traffic,
28 the individual experiencing homelessness shall be permitted
29 to relocate the vehicle before a parking ticket is issued or
30 the vehicle is towed. The individual experiencing

1 homelessness shall be permitted to retrieve items from a
2 towed vehicle and to retrieve the vehicle from storage free
3 of charge or at a reduced rate upon consideration of ability
4 to pay.

5 § 70A03. Affirmative defense.

6 (a) Defense.--It shall be an affirmative defense to a charge
7 of violating a statute or ordinance criminalizing life-
8 sustaining activity permitted under section 70A02 (relating to
9 permitted use of public space) that the individual experiencing
10 homelessness had no access to an adequate alternative indoor
11 space in which to undertake the prohibited conduct.

12 (b) Court notice.--The trial court shall notify the charged
13 individual of the availability of the defense under subsection
14 (a) and how to raise the defense.

15 (c) Rebuttable presumption and burden.--Once the defense is
16 raised, there shall be a rebuttable presumption that adequate
17 alternative indoor space did not exist, and the burden shall be
18 on the prosecutor to prove the availability of an adequate
19 alternative indoor space.

20 § 70A04. Enforcement.

21 (a) Attorney General.--The Attorney General shall have
22 authority to bring a civil action on behalf of the Commonwealth
23 against any State or local government or government official
24 that violates, or implements or enforces a rule, ordinance,
25 regulation, law, policy or practice that violates, this chapter.
26 The court shall hold unlawful and set aside the rule, ordinance,
27 regulation, law, policy or practice if it is in violation of
28 this chapter.

29 (b) Private right of action.--An individual or organization
30 adversely affected by a violation of this chapter may commence a

1 civil action against any State or local government or government
2 official that violates, or implements or enforces a rule,
3 ordinance, regulation, law, policy or practice that violates,
4 this chapter. The court shall hold unlawful and set aside the
5 rule, ordinance, regulation, law, policy or practice if it is in
6 violation of this chapter.

7 (c) Equitable relief.--In any action under this section, the
8 court may award appropriate equitable relief, including
9 temporary, preliminary or permanent injunctive relief.

10 (d) Costs.--In any action under this section, the court
11 shall award costs of litigation, as well as reasonable attorney
12 fees, to a prevailing plaintiff. A plaintiff shall not be liable
13 to a defendant for costs or attorney fees in any nonfrivolous
14 action under this section.

15 (e) Jurisdiction.--Commonwealth Court shall have original
16 jurisdiction over proceedings under this section. Commonwealth
17 Court shall exercise its jurisdiction without regard to whether
18 the aggrieved party has exhausted all administrative or other
19 remedies that may be provided by law.

20 Section 2. Section 8522(b) of Title 42 is amended by adding
21 a paragraph to read:

22 § 8522. Exceptions to sovereign immunity.

23 * * *

24 (b) Acts which may impose liability.--The following acts by
25 a Commonwealth party may result in the imposition of liability
26 on the Commonwealth and the defense of sovereign immunity shall
27 not be raised to claims for damages caused by:

28 * * *

29 (11) Permitted use of public space.--The implementation
30 or enforcement of a rule, ordinance, regulation, law, policy

1 or practice that violates Chapter 70A (relating to permitted
2 use of public space).

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

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 2028

Sponsor: **Briggs**

Printer's No. 2586

- 1 Amend Bill, page 5, line 20, by striking out "on public
2 property" and inserting
3 in a public space
- 4 Amend Bill, page 5, line 21, by inserting after "traffic"
5 or a legitimate government function
- 6 Amend Bill, page 5, line 27, by inserting after "traffic"
7 or a legitimate government function

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB2028 PN2586	Prepared By:	Michelle Batt, Esq. (717) 705-1880,6792
Committee:	Judiciary	Executive Director:	David Vitale, Esq.
Sponsor:	Smith-Wade-El, Ismail		
Date:	3/4/2026		

A. Brief Concept

Establishes the Shelter First for Pennsylvanians Experiencing Homelessness Act to allow individuals experiencing homelessness to exist and conduct life-sustaining activity in public spaces when no reasonable, alternative options for housing are offered or available.

C. Analysis of the Bill

Amends Title 42 of the Consolidated Statutes by adding Chapter 70A (Permitted Use of Public Space) to:

- explicitly permit individuals experiencing homelessness to use public spaces for life-sustaining activities, provided that:
 - the individual does not obstruct a public walkway or public street in a manner that pedestrians or vehicles cannot pass
 - and there is no sufficient adequate alternative indoor space available
- explicitly permit individuals experiencing homelessness to use private property for life-sustaining activities, provided that:
 - the property owner consents
 - and there is no sufficient adequate alternative indoor space available
- provide immunity from prosecution or civil liability for individual experiencing homelessness for soliciting, sharing, accepting or offering food, water, money or other donations in public spaces if the individual does not obstruct a public walkway or public street in a manner that pedestrians or vehicles cannot pass.
- apply fourth amendment protections to the personal property of individuals experiencing homelessness
- with respect to vehicles:
 - provide that individuals experiencing homelessness are permitted to park on public property as long as it is not parked in a position that obstructs the flow of traffic.
 - if a vehicle needs to be moved, individuals experiencing homelessness shall be permitted to relocate the vehicle before a parking ticket is issued or the vehicle is towed.
 - if a vehicle is towed, individuals experiencing homelessness shall be permitted to retrieve their personal belongings and to retrieve the vehicle from storage free of charge or at a reduced rate.
- establish an affirmative defense to a charge of violating a statute or ordinance criminalizing life-sustaining activity that the individual experiencing homelessness had no access to an adequate alternative indoor space.
- empower the office of Attorney General to enforce the provisions of the chapter.

This bill further amends Title 42 Section 8522 (Exceptions to sovereign immunity) to add violations of Chapter 70A to acts by a Commonwealth party for which the defense of sovereign immunity shall not be raised.

Definitions:

"Adequate alternative indoor space." A space that is legally and physically accessible to an individual and that does not require the individual to sacrifice any other personal right afforded to them under Federal, State or local law. All of the following shall apply:

(1) An adequate alternative indoor space must satisfy all of the following:

- (i) Be available indefinitely to the individual without requiring daily reapplication.
- (ii) Be free of charge.
- (iii) Accommodate any disabilities.
- (iv) Accept pets.
- (v) Accommodate partners, whether the partners are legally married or not, family members or other support individuals.
- (vi) Accommodate the individual's personal property.

(2) A tiny home or similar structure may be an adequate alternative indoor space if the tiny home or similar structure is climate-controlled, as appropriate to the local climate conditions, and possesses all of the following:

- (i) Locking doors.
- (ii) Individual sanitary and cooking facilities or common facilities sufficient to meet the needs of the tiny home community.

(3) An adequate alternative indoor space in a neighboring municipal corporation is presumptively inaccessible unless adequate transportation is available at no cost to the individual to ensure that the individual can attend to any personal or professional business in the municipal corporation of origin.

"Individual experiencing homelessness." An individual lacking a fixed, regular and adequate nighttime residence, including any of the following:

- (1) Individuals sharing the housing of other individuals due to loss of housing, economic hardship or a similar reason.
- (2) Individuals living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations.
- (3) Individuals living in emergency or transitional shelters.
- (4) Individuals abandoned in hospitals.
- (5) Individuals awaiting foster care placement.
- (6) Individuals living in a private place not designed for or ordinarily used as a regular sleeping accommodation for human beings within the meaning of 42 U.S.C. § 11302(a)(2) (relating to general definition of homeless individual).
- (7) Individuals living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings.
- (8) Individuals who meet the definition of "homeless children and youths" as defined in 42 U.S.C. § 11434a(2) (relating to definitions), regardless of whether an individual is a child or youth.

"Life-sustaining activity." Moving, resting, sitting, standing, lying down, sleeping, protecting oneself from the natural elements, eating, drinking and storing personal property as needed to safely shelter oneself.

"Municipal corporation." As defined in 8 Pa.C.S. § 101.1 (relating to definitions).

"Public space." Any property that is owned or leased, in whole or in part, by the Commonwealth or a municipality or any property upon which there is an easement for public use and that is held open to the public, or any Federal land that is open to the public, where State or local law enforcement has jurisdiction to enforce State or local laws, including plazas, courtyards, parking lots, sidewalks, public transportation facilities and services, public buildings, shopping centers, underpasses and lands adjacent to roadways and parks.

"Recreational vehicle." A travel trailer, camping trailer, park trailer, camper, camper motor home or similar accommodation that is primarily designed as temporary living quarters for recreational camping or for seasonal or travel use and either has its own motor power or is mounted on or drawn by another vehicle.

Effective Date:

60 Days.

G. Relevant Existing Laws

None.

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

None.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2190 Session of
2026

INTRODUCED BY GOUGHNOUR, MARKOSEK, McNEILL, WAXMAN, HADDOCK,
RIVERA, HARKINS, MUNROE, HILL-EVANS, MALAGARI, BRENNAN,
INGLIS, STEELE, PIELLI, MULLINS, RASEL, CEPEDA-FREYTIZ,
MADDEN, D. WILLIAMS, DOUGHERTY, BOROWSKI, O'MARA, KINKEAD,
GIRAL AND PROKOPIAK, FEBRUARY 2, 2026

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 3, 2026

AN ACT

1 Amending the act of July 23, 1970 (P.L.563, No.195), entitled
2 "An act establishing rights in public employes to organize
3 and bargain collectively through selected representatives;
4 defining public employes to include employes of nonprofit
5 organizations and institutions; providing compulsory
6 mediation and fact-finding, for collective bargaining
7 impasses; providing arbitration for certain public employes
8 for collective bargaining impasses; defining the scope of
9 collective bargaining; establishing unfair employe and
10 employer practices; prohibiting strikes for certain public
11 employes; permitting strikes under limited conditions;
12 providing penalties for violations; and establishing
13 procedures for implementation," in collective bargaining
14 impasse, further providing for arbitration.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Section 805 of the act of July 23, 1970 (P.L.563,
18 No.195), known as the Public Employe Relations Act, is amended
19 to read:

20 Section 805. Notwithstanding any other provisions of this
21 act where representatives of units of guards at prisons or
22 mental hospitals, units of peace officers as defined under 18

1 Pa.C.S. § 501 (relating to definitions) who are covered by this
2 act or units of employes directly involved with and necessary to
3 the functioning of the courts of this Commonwealth have reached
4 an impasse in collective bargaining and mediation as required in
5 section 801 of this article has not resolved the dispute, the
6 impasse shall be submitted to a panel of arbitrators whose
7 decision shall be final and binding upon both parties with the
8 proviso that the decisions of the arbitrators which would
9 require legislative enactment to be effective shall be
10 considered advisory only.

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

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 2190

Sponsor: **Briggs**

Printer's No. 2852

1 Amend Bill, page 1, line 14, by inserting after "arbitration"
2 ; and, in strikes, further providing for prohibited strikes

3 Amend Bill, page 1, lines 17 through 19, by striking out all
4 of said lines and inserting

5 Section 1. Sections 805 and 1001 of the act of July 23, 1970
6 (P.L.563, No.195), known as the Public Employe Relations Act,
7 are amended to read:

8 Amend Bill, page 2, by inserting between lines 10 and 11

9 Section 1001. Strikes by guards at prisons or mental
10 hospitals, units of peace officers as defined under 18 Pa.C.S. §
11 501 (relating to definitions) who are covered by this act or
12 employes directly involved with and necessary to the functioning
13 of the courts of this Commonwealth are prohibited at any time.
14 If a strike occurs the public employer shall forthwith initiate
15 in the court of common pleas of the jurisdiction where the
16 strike occurs, an action for appropriate equitable relief
17 including but not limited to injunctions. If the strike involves
18 Commonwealth employes, the chief legal officer of the public
19 employer or the Attorney General where required by law shall
20 institute an action for equitable relief, either in the court of
21 common pleas of the jurisdiction where the strike has occurred
22 or the Commonwealth Court.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB2190 PN2852	Prepared By:	David Vitale, Esq. (717) 705-7011,6791
Committee:	Judiciary	Executive Director:	David Vitale, Esq.
Sponsor:	Goughnour, Dan		
Date:	2/3/2026		

A. Brief Concept

Allows peace officers covered by Act 195 of 1970 to access binding arbitration during a labor dispute in order to avoid striking.

C. Analysis of the Bill

This bill amends Act 195 of 1970, known as the Public Employee Relations Act, to allow units of peace officers as defined under 18 Pa.C.S. § 501 (Definitions) who are covered by the act to participate in binding arbitration.

According to 18 Pa.C.S. § 501 (Definitions), a "peace officer" is defined as:

Any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or any person on active State duty pursuant to 51 Pa.C.S. § 508 (relating to active duty for emergency). The term "peace officer" shall also include any member of any park police department of any county of the third class.

Binding arbitration is when parties, in this case most likely a union and employer, waive their right to a trial and agree to accept a neutral arbitrator's decision as final to end a dispute.

Effective Date:

60 Days.

G. Relevant Existing Laws

Act 195 of 1970

Section 805. Notwithstanding any other provisions of this act where representatives of units of guards at prisons or mental hospitals or units of employees directly involved with and necessary to the functioning of the courts of this Commonwealth have reached an impasse in collective bargaining and mediation as required in section 801 of this article has not resolved the dispute, the impasse shall be submitted to a panel of arbitrators whose decision shall be final and binding upon both parties with the proviso that the decisions of the arbitrators which would require legislative enactment to be effective shall be considered advisory only.

18 Pa.C.S. § 501 (Definitions)

"Peace officer." Any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or any person on active State duty pursuant to 51 Pa.C.S. § 508 (relating to active duty for emergency). The term "peace officer" shall also include any member of any park police department of any county of the third class.

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

None.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 480 Session of
2026

INTRODUCED BY McNEILL, HILL-EVANS, DOUGHERTY, FREEMAN, RIVERA,
MATZIE, HANBIDGE, HOHENSTEIN, HARKINS AND BIZZARRO,
APRIL 10, 2026

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 13, 2026

A RESOLUTION

1 Designating July 15, 2026, as "Court Appointed Special Advocates
2 Day" in Pennsylvania.

3 WHEREAS, The Pennsylvania Court Appointed Special Advocates
4 (CASA) is a network of 21 local programs covering 32 counties in
5 this Commonwealth, which were developed to provide volunteer
6 advocacy for children before the court as a result of abuse or
7 neglect; and

8 WHEREAS, Pennsylvania CASA, which was incorporated on July
9 15, 1998, receives State funding and allocates this funding to
10 local CASA programs in order to support the well-being of
11 children; and

12 WHEREAS, Pennsylvania CASA has 1,051 active volunteers who
13 advocated for 2,092 abused and neglected children throughout
14 this Commonwealth in fiscal year 2024-2025 and donated thousands
15 of hours of their time; and

16 WHEREAS, Pennsylvania CASA volunteers help to protect the
17 safety and welfare of this Commonwealth's most vulnerable

1 children; and

2 WHEREAS, Pennsylvania CASA assists in ensuring that
3 children's needs are met while in the dependency system and the
4 children obtain safe and permanent housing as quickly as
5 possible; and

6 WHEREAS, Pennsylvania CASA volunteers are deeply committed,
7 specially trained advocates who work within the child welfare
8 system and are appointed by dependency court judges to provide
9 individualized attention and bring urgency to a child's needs
10 throughout the child's time with case managers, foster parents,
11 service providers, attorneys and other stakeholders; and

12 WHEREAS, Pennsylvania CASA maximizes community resources and
13 support for children and families within the child welfare
14 system through increased community involvement and awareness,
15 State and local advocacy efforts and a more coordinated and
16 compassionate response to child victims and families in crisis;
17 and

18 WHEREAS, The Commonwealth recognizes Pennsylvania CASA
19 volunteers for selflessly giving their time and talents to
20 advocate for the best interests of children in court and
21 recognizes the volunteer board members and staff of the
22 Pennsylvania CASA programs for their contributions on behalf of
23 children of this Commonwealth; therefore be it

24 RESOLVED, That the House of Representatives designate July
25 15, 2026, as "Court Appointed Special Advocates Day" in
26 Pennsylvania.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HR0480 PN3168	Prepared By:	David Vitale, Esq. (717) 705-7011
Committee:	Judiciary	Executive Director:	David Vitale, Esq.
Sponsor:	McNeill, Jeanne		
Date:	4/17/2026		

A. Brief Concept

A Resolution designating July 15, 2026, as "Court Appointed Special Advocates Day" in Pennsylvania.

C. Analysis of the Bill

The Pennsylvania Court Appointed Special Advocates (CASA) is a network of 21 local programs covering 32 counties in this Commonwealth, which were developed to provide volunteer advocacy for children before the court as a result of abuse or neglect.

Pennsylvania CASA, which was incorporated on July 15, 1998, receives State funding and allocates this funding to local CASA programs in order to support the well-being of children.

Pennsylvania CASA has 1,051 active volunteers who advocated for 2,092 abused and neglected children throughout this Commonwealth in fiscal year 2024-2025 and donated thousands of hours of their time.

Pennsylvania CASA volunteers help to protect the safety and welfare of this Commonwealth's most vulnerable children.

Pennsylvania CASA assists in ensuring that children's needs are met while in the dependency system and the children obtain safe and permanent housing as quickly as possible.

Pennsylvania CASA volunteers are deeply committed, specially trained advocates who work within the child welfare system and are appointed by dependency court judges to provide individualized attention and bring urgency to a child's needs throughout the child's time with case managers, foster parents, service providers, attorneys and other stakeholders.

Pennsylvania CASA maximizes community resources and support for children and families within the child welfare system through increased community involvement and awareness, State and local advocacy efforts and a more coordinated and compassionate response to child victims and families in crisis.

The Commonwealth recognizes Pennsylvania CASA volunteers for selflessly giving their time and talents to advocate for the best interests of children in court and recognizes the volunteer board members and staff of the Pennsylvania CASA programs for their contributions on behalf of children of this Commonwealth.

Effective Date:

July 15, 2026.

G. Relevant Existing Laws

Resolution.

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

None.

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