

AMENDMENTS TO SENATE BILL NO. 186

Sponsor: SENATOR BAKER

Printer's No. 169

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

3 Titles

4 Amend Bill, page 1, line 1, by inserting after "Offenses)"
5 and 61 (Prisons and Parole)

6 Amend Bill, page 3, by inserting between lines 24 and 25

7 Section 4. Paragraph (4) of the definition of "eligible
8 person" in section 4503 of Title 61 is amended to read:
9 § 4503. Definitions.

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

13 * * *

14 "Eligible person." A defendant or inmate convicted of a
15 criminal offense who will be committed to the custody of the
16 department and who meets all of the following eligibility
17 requirements:

18 * * *

19 (4) Has not been found guilty or previously convicted or
20 adjudicated delinquent for violating any of the following
21 provisions or an equivalent offense under the laws of the
22 United States or one of its territories or possessions,
23 another state, the District of Columbia, the Commonwealth of
24 Puerto Rico or a foreign nation or criminal attempt, criminal
25 solicitation or criminal conspiracy to commit any of these
26 offenses:

27 18 Pa.C.S. § 4302(a) (relating to incest).

28 18 Pa.C.S. § 5901 (relating to open lewdness).

29 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet
30 child [pornography] sexual abuse material).

31 Received a criminal sentence pursuant to 42 Pa.C.S. §
32 9712.1 (relating to sentences for certain drug offenses
33 committed with firearms).

34 Any offense listed under 42 Pa.C.S. Ch. 97 Subch. H
35 (relating to registration of sexual offenders) or I

1 (relating to continued registration of sexual offenders).
2 Drug trafficking as defined in section 4103 (relating
3 to definitions).

4 * * *

5 Section 5. Paragraph (4) of the definition of "eligible
6 offender" in section 4601 of Title 61 is amended to read:
7 § 4601. Definitions.

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

11 "Eligible offender." A defendant or inmate convicted of a
12 criminal offense who will be committed to the custody of the
13 county and who meets all of the following eligibility
14 requirements:

15 * * *

16 (4) Has not been found guilty or previously convicted or
17 adjudicated delinquent for violating any of the following
18 provisions or an equivalent offense under the laws of the
19 United States or one of its territories or possessions,
20 another state, the District of Columbia, the Commonwealth of
21 Puerto Rico or a foreign nation:

22 18 Pa.C.S. § 4302(a) (relating to incest).

23 18 Pa.C.S. § 5901 (relating to open lewdness).

24 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet
25 child [pornography] sexual abuse material).

26 Received a criminal sentence pursuant to 42 Pa.C.S. §
27 9712.1 (relating to sentences for certain drug offenses
28 committed with firearms).

29 Any offense for which registration is required under
30 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of
31 sexual offenders).

32 * * *

33 Section 6. Section 6137.1(a)(4) of Title 61 is amended to
34 read:

35 § 6137.1. Short sentence parole.

36 (a) General rule.--This section applies to persons committed
37 to the department with an aggregate minimum sentence of
38 confinement under 42 Pa.C.S. § 9756(b) (relating to sentence of
39 total confinement) of two years or less or a recidivism risk
40 reduction incentive minimum sentence under 42 Pa.C.S. §
41 9756(b.1) of two years or less, whichever is shorter. Regardless
42 of sentence imposed, this section does not apply to:

43 * * *

44 (4) persons committed for or with an aggregate sentence
45 containing a violation of any of the following provisions or
46 an equivalent offense under the laws of the United States or
47 one of its territories or possessions, another state, the
48 District of Columbia, the Commonwealth of Puerto Rico or a
49 foreign nation, including a criminal attempt, criminal
50 solicitation or criminal conspiracy to commit the offense:

51 18 Pa.C.S. § 4302(a) (relating to incest).

1 18 Pa.C.S. § 5901 (relating to open lewdness).
2 18 Pa.C.S. Ch. 76 Subch. C (relating to Internet
3 child [pornography] sexual abuse material).
4 A criminal sentence pursuant to 42 Pa.C.S. § 9712.1
5 (relating to sentences for certain drug offenses
6 committed with firearms).
7 An offense listed under 42 Pa.C.S. Ch. 97 Subch. H
8 (relating to registration of sexual offenders).
9 An offense listed under 42 Pa.C.S. Ch. 97 Subch. I
10 (relating to continued registration of sexual offenders).
11 * * *

12 Amend Bill, page 3, line 25, by striking out "4" and

13 inserting

14 7