
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1597 Session of
2013

INTRODUCED BY BISHOP, ROZZI, BARRAR, MILLARD, V. BROWN,
SCHLOSSBERG, NEILSON, MAHONEY, YOUNGBLOOD AND COHEN,
JUNE 28, 2013

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 28, 2013

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, enhancing the offense of
4 and penalty for unlawful restraint; and making editorial
5 changes.

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

8 Section 1. Sections 1102(a)(1) and 1102.1 heading and (a) of
9 Title 18 of the Pennsylvania Consolidated Statutes, amended or
10 added October 25, 2012 (P.L.1655, No.204), are amended to read:

11 § 1102. Sentence for murder, murder of unborn child and murder
12 of law enforcement officer.

13 (a) First degree.--

14 (1) Except as provided under section 1102.1 (relating to
15 sentence of persons under the age of 18 for [murder, murder
16 of an unborn child and murder of a law enforcement officer]
17 serious felonies), a person who has been convicted of a
18 murder of the first degree or of murder of a law enforcement
19 officer of the first degree shall be sentenced to death or to

1 a term of life imprisonment in accordance with 42 Pa.C.S. §
2 9711 (relating to sentencing procedure for murder of the
3 first degree).

4 * * *

5 § 1102.1. Sentence of persons under the age of 18 for [murder,
6 murder of an unborn child and murder of a law
7 enforcement officer] serious felonies.

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

14 (1) A person who at the time of the commission of the
15 offense was 15 years of age or older shall be sentenced to a
16 term of life imprisonment without parole, or a term of
17 imprisonment, the minimum of which shall be at least 35 years
18 to life.

19 (2) A person who at the time of the commission of the
20 offense was under 15 years of age shall be sentenced to a
21 term of life imprisonment without parole, or a term of
22 imprisonment, the minimum of which shall be at least 25 years
23 to life.

24 * * *

25 Section 2. Title 18 is amended by adding a section to read:

26 § 1102.2. Sentence for unlawful restraint.

27 Except as provided under section 1102.1(a) (relating to
28 sentence of persons under the age of 18 for serious felonies), a
29 person who has been convicted of unlawful restraint shall be
30 sentenced to a term of life imprisonment.

1 Section 3. Section 2902 of Title 18 is amended to read:

2 § 2902. Unlawful restraint.

3 (a) Offense defined.--[Except as provided under subsection
4 (b) or (c), a] A person commits a misdemeanor of the first
5 degree if he knowingly:

6 (1) restrains another unlawfully in circumstances
7 exposing him to risk of serious bodily injury; or

8 (2) holds another in a condition of involuntary
9 servitude.

10 [(b) Unlawful restraint of a minor where offender is not
11 victim's parent.--If the victim is a person under 18 years of
12 age, a person who is not the victim's parent commits a felony of
13 the second degree if he knowingly:

14 (1) restrains another unlawfully in circumstances
15 exposing him to risk of serious bodily injury; or

16 (2) holds another in a condition of involuntary
17 servitude.

18 (c) Unlawful restraint of minor where offender is victim's
19 parent.--If the victim is a person under 18 years of age, a
20 parent of the victim commits a felony of the second degree if he
21 knowingly:

22 (1) restrains another unlawfully in circumstances
23 exposing him to risk of serious bodily injury; or

24 (2) holds another in a condition of involuntary
25 servitude.

26 (d) Definition.--As used in this section the term "parent"
27 means a natural parent, stepparent, adoptive parent or guardian
28 of a minor.]

29 Section 4. Paragraph (1) of the definition of "sexually
30 violent predator" in section 9799.12 of Title 42 is amended to

1 read:

2 § 9799.12. Definitions.

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

6 * * *

7 "Sexually violent predator." An individual determined to be
8 a sexually violent predator under section [9795.4] 9799.24
9 (relating to assessments) prior to the effective date of this
10 subchapter or an individual convicted of an offense specified
11 in:

12 (1) section 9799.14(b) [(1),] (2), (3), (4), (5), (6),
13 (8), (9) or (10) (relating to sexual offenses and tier
14 system) or an attempt, conspiracy or solicitation to commit
15 any offense under section 9799.14(b) [(1),] (2), (3), (4),
16 (5), (6), (8), (9) or (10);

17 * * *

18 Section 5. Section 9799.14(b) (1) of Title 42 is amended to
19 read:

20 § 9799.14. Sexual offenses and tier system.

21 * * *

22 (b) Tier I sexual offenses.--The following offenses shall be
23 classified as Tier I sexual offenses:

24 [(1) 18 Pa.C.S. § 2902(b) (relating to unlawful
25 restraint).]

26 * * *

27 Section 6. Section 6139(a) (3.1) of Title 61, added October
28 25, 2012 (P.L.1655, No.204), is amended to read:

29 § 6139. Parole procedure.

30 (a) Specific requirements.--

1 * * *

2 (3.1) Notwithstanding paragraphs (2) and (3), the board
3 shall not be required to consider nor to dispose of an
4 application by an inmate or an inmate's attorney in the case
5 of an inmate sentenced under 18 Pa.C.S. § 1102.1 (relating to
6 sentence of persons under the age of 18 for [murder, murder
7 of an unborn child and murder of a law enforcement officer]
8 serious felonies) if a parole decision has been issued by the
9 board within five years of the date of the current
10 application.

11 * * *

12 Section 7. This act shall apply as follows:

13 (1) The following provisions shall apply to offenses
14 committed on or after the effective date of this section:

15 (i) The amendment of 18 Pa.C.S. § 1102.1(a).

16 (ii) The addition of 18 Pa.C.S. § 1102.2.

17 (iii) The amendment of 18 Pa.C.S. § 2902.

18 (2) The amendment of 42 Pa.C.S. § 9799.14(b)(1) shall
19 not apply to an offense for which sentence was imposed prior
20 to the effective date of this section.

21 Section 8. This act shall take effect in 60 days.