

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 150 Session of 2025

INTRODUCED BY KRAJEWSKI, ECKER, HILL-EVANS, RABB, GUENST, McNEILL, FIEDLER, MAYES, CEPEDA-FREYTIZ, VENKAT, SANCHEZ, KHAN, DALEY, BOROWSKI, D. WILLIAMS, WEBSTER, WAXMAN, KINKEAD, WARREN, HOHENSTEIN, MADDEN, DAVIDSON, GREEN AND M. JONES, APRIL 17, 2025

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 17, 2025

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in sentencing, repealing
3 provisions relating to transfer of inmates in need of medical
4 treatment and providing for modification of an imposed term
5 of imprisonment for reasons of illness.

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

8 Section 1. Section 9777 of Title 42 of the Pennsylvania
9 Consolidated Statutes is repealed:

10 [§ 9777. Transfer of inmates in need of medical treatment.

11 (a) Inmates committed to custody of department.--If an
12 inmate is committed to the custody of the department, the
13 department, the inmate or a person to whom the court grants
14 standing to act on behalf of the inmate may petition the
15 sentencing court to temporarily defer service of the sentence of
16 confinement and temporarily remove the inmate committed to the
17 custody of the department, or other facility, for placement in a
18 hospital, long-term care nursing facility or hospice care

1 location. The following shall apply:

2 (1) The sentencing court may approve the petitioner's
3 request to temporarily defer service of the sentence of
4 confinement and place the inmate in a hospital or long-term
5 care nursing facility under electronic monitoring by the
6 department upon clear and convincing proof that all of the
7 following apply:

8 (i) The medical needs of the inmate can be more
9 appropriately addressed in the hospital or long-term care
10 nursing facility.

11 (ii) The hospital or long-term care nursing facility
12 requested by the petitioner has agreed to accept the
13 placement of the inmate and to provide necessary medical
14 care.

15 (iii) The inmate is seriously ill and is expected by
16 a treating physician to not live for more than one year.

17 (iv) There are no writs filed or detainers lodged
18 against the inmate and the inmate is not subject to any
19 court order requiring the inmate's presence.

20 (v) The placement in the hospital or long-term care
21 nursing facility does not pose an undue risk of escape or
22 danger to the community. In making this determination,
23 the sentencing court shall consider the inmate's
24 institutional conduct record, whether the inmate was ever
25 convicted of a crime of violence, the length of time that
26 the inmate has been imprisoned and any other factors the
27 sentencing court deems relevant.

28 (vi) The hospital or long-term care nursing facility
29 has agreed to notify the department and the court of any
30 material changes in the health status of the inmate, the

1 nature of the care provided or other information required
2 by the department.

3 (vii) Each agency representing the Commonwealth at a
4 proceeding which resulted in an order committing or
5 detaining the inmate, the State or local correctional
6 facility housing the inmate and any registered crime
7 victim have been given notice and an opportunity to be
8 heard on the petition.

9 (2) The sentencing court may approve the petitioner's
10 request to temporarily defer service of the sentence of
11 confinement in order for the inmate to receive care from a
12 licensed hospice care provider, proposed by the petitioner
13 and subject to electronic monitoring by the department, if
14 all of the following are established by clear and convincing
15 proof:

16 (i) The inmate is terminally ill, not ambulatory and
17 likely to die in the near future.

18 (ii) The licensed hospice care provider can provide
19 the inmate with more appropriate care.

20 (iii) Appropriate medical care and palliative and
21 supportive services will be provided by the licensed
22 hospice care provider at the proposed hospice care
23 location.

24 (iv) The placement of the inmate in the proposed,
25 licensed hospice care location does not pose an undue
26 risk of escape or danger to the community. In making this
27 determination, the sentencing court shall consider the
28 inmate's institutional conduct record, whether the inmate
29 was ever convicted of a crime of violence, the length of
30 time that the inmate has been imprisoned and any other

1 factors the sentencing court deems relevant.

2 (v) The licensed hospice care provider has agreed to
3 notify the department and the sentencing court of any
4 material changes in the health status of the inmate, the
5 nature of the hospice care provided or other information
6 required by the department or the sentencing court.

7 (vi) Each agency representing the Commonwealth at a
8 proceeding which resulted in an order committing or
9 detaining the inmate, the State or local correctional
10 facility housing the inmate and any registered crime
11 victim have been given notice and an opportunity to be
12 heard on the petition.

13 (3) Any order entered pursuant to this subsection
14 temporarily deferring service of an inmate's sentence of
15 confinement shall include a provision that the department or
16 prosecuting attorney may at any time petition the sentencing
17 court for an order directing that the inmate be recommitted
18 to the custody of the department if the circumstances under
19 which the inmate was released change or for any previously
20 unknown circumstances, including a change in the inmate's
21 medical status, the inmate's risk of escape, the inmate's
22 danger to the community or the nature of the medical or other
23 care provided by the hospital, long-term care nursing
24 facility or hospice care provider.

25 (4) The sentencing court may terminate at any time its
26 order authorizing the temporary deferral of the service of an
27 inmate's sentence of confinement entered pursuant to this
28 subsection. An inmate taken into custody pursuant to an order
29 directing the inmate's detention or recommitment under this
30 subsection shall be delivered to the nearest State

1 correctional institution pending a hearing on the matter.

2 (b) Inmates committed to custody of other facilities.--An
3 inmate not committed to the custody of the department but
4 confined in an institution authorized to incarcerate or detain
5 persons for criminal sentences, violations of criminal law or
6 orders of parole, probation, bail or other order related to a
7 civil or criminal matter may have service of the sentence of
8 confinement deferred and may be placed in a hospital, long-term
9 care nursing facility or licensed hospice care location, subject
10 to electronic monitoring, by order of the judge that committed
11 the inmate to the facility or institution or by another
12 available judge designated to preside if all of the following
13 are established by clear and convincing proof:

14 (1) The chief administrator, the chief administrator's
15 designee, the inmate or a person to whom the court grants
16 standing to act on behalf of the inmate petitions the court
17 or has given written consent to the grant of a petition under
18 this section filed on behalf of the inmate.

19 (2) There is sufficient proof to establish the
20 requirements for a placement to a hospital or long-term care
21 nursing facility under subsection (a)(1) or a placement to a
22 hospice care location under subsection (a)(2).

23 (3) An entry of an order pursuant to this subsection
24 temporarily deferring service of an inmate's sentence of
25 confinement shall include a provision that the chief
26 administrator or the prosecuting attorney may at any time
27 petition the sentencing court seeking the issuance of a bench
28 warrant directing that the inmate be recommitted to the
29 custody of the appropriate correctional institution if the
30 circumstances under which the inmate was released change or

1 for previously unknown circumstances, including a change in
2 the inmate's medical status, the inmate's risk of escape, the
3 inmate's danger to the community or the nature of the medical
4 or other care provided by the hospital, long-term care
5 nursing facility or hospice care provider.

6 (4) The sentencing court may terminate at any time its
7 order authorizing the temporary deferral of the service of an
8 inmate's sentence of confinement entered pursuant to this
9 subsection. An inmate taken into custody pursuant to an order
10 directing detention or recommitment under this subsection
11 shall be delivered to the county correctional institution or
12 other institution at which the inmate was confined prior to
13 the entry of the order deferring the service of the sentence
14 of confinement pending a hearing on the matter.

15 (c) Service.--Any petition filed under this section shall be
16 served on each agency representing the Commonwealth at each
17 proceeding which resulted in an order by which the inmate is
18 committed or detained and to the correctional institution or
19 institution responsible for housing the inmate. Each party shall
20 have an opportunity to object and be heard as to the petition
21 for alternative placement, the circumstances of placement, the
22 conditions of return or any other relevant issue. The court
23 shall ensure that any crime victim entitled to notification
24 under section 201(7) or (8) of the act of November 24, 1998
25 (P.L.882, No.111), known as the Crime Victims Act, has been
26 given notice and the opportunity to be heard on the petition.
27 All parties served or notified under this subsection shall
28 receive a copy of the final order adjudicating the petition.

29 (d) Notice.--

30 (1) Any order entered under this section placing an

1 inmate in a hospital, long-term care nursing facility or
2 hospice care location which provides care to persons who were
3 not placed therein pursuant to an order entered under this
4 section shall direct the individual in charge of the
5 hospital, long-term care nursing facility or hospice care
6 location to ensure that each person receiving care at, and
7 each employee or contractor working in, the hospital, long-
8 term care nursing facility or hospice care location is
9 notified that the placement was ordered if it is foreseeable
10 that the person, employee or contractor will come into
11 contact with the inmate during the placement.

12 (2) The sentencing court shall forward notice of any
13 order entered under this section placing an inmate in a
14 hospital, long-term care nursing facility or hospice care
15 location to the hospital, long-term care nursing facility or
16 hospice care location and to the Department of Human
17 Services.

18 (e) Petition requirements.--Any petition filed pursuant to
19 this section must aver:

20 (1) The name of the hospital, long-term care nursing
21 facility or hospice care location proposed for placement.

22 (2) That the petitioner reasonably believes the named
23 hospital, long-term care nursing facility or hospice care
24 location has agreed to accept the placement of the inmate and
25 the facts upon which that belief is based.

26 (f) Removal from placement.--If an inmate placed in a
27 hospital, long-term care nursing facility or hospice care
28 location pursuant to this chapter removes himself from the
29 hospital, long-term care nursing facility or hospice care
30 location, the inmate shall be subject to arrest upon probable

1 cause and shall, upon conviction thereof, be guilty of criminal
2 contempt.

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

6 "Chief administrator." As defined under 61 Pa.C.S. § 102
7 (relating to definitions).

8 "Department." The Department of Corrections of the
9 Commonwealth.

10 "Hospice care location." A home, independent living
11 environment or inpatient setting that provides a coordinated
12 program of palliative and supportive services through a licensed
13 hospice care provider.

14 "Hospital." An entity licensed as an acute-care general
15 hospital, a specialty hospital or a rehabilitation hospital
16 under the act of July 19, 1979 (P.L.130, No.48), known as the
17 Health Care Facilities Act.

18 "Licensed hospice care provider." A hospice as defined under
19 section 802.1 of the act of July 19, 1979 (P.L.130, No.48),
20 known as the Health Care Facilities Act.

21 "Long-term care nursing facility." A long-term care nursing
22 facility as defined under section 802.1 of the act of July 19,
23 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

24 "Prosecuting attorney." The Office of Attorney General of
25 the Commonwealth or the office of a district attorney of a
26 county who represented the Commonwealth at the most recent
27 sentencing of an inmate.

28 "Sentencing court." The trial judge who most recently
29 sentenced an inmate or, if the trial judge is no longer serving
30 as a judge of that court, the president judge of the county

1 court of common pleas.]

2 Section 2. Title 42 is amended by adding a section to read:
3 § 9778. Modification of an imposed term of imprisonment for
4 reasons of illness.

5 (a) Authority of court.--The court that imposed a sentence
6 on a defendant or inmate may modify a term of imprisonment upon
7 petition by the secretary, chief administrator of any other
8 institution, the prosecuting attorney, the inmate or the court
9 if either of the following conditions is satisfied:

10 (1) Extraordinary and compelling family hardship
11 warrants the modification. A hardship may include the
12 following:

13 (i) the death or physical or mental incapacitation
14 of the caregiver for the inmate's minor child or
15 children; or

16 (ii) the physical or mental incapacitation of the
17 inmate's spouse or partner if the inmate would be the
18 only available caregiver for the spouse or partner.

19 (2) The inmate has a substantially diminished ability to
20 function in a correctional facility due to:

21 (i) a terminal illness;

22 (ii) a chronic and debilitating physical or medical
23 condition or disease;

24 (iii) a serious functional or cognitive impairment;

25 or

26 (iv) deteriorating physical or mental health due to
27 the aging process.

28 (b) Notification and decision requirements.--

29 (1) If a petition for sentence modification is filed by
30 an inmate under subsection (a), the inmate shall provide a

1 copy of the petition to the department or other institution
2 within seven business days of filing the petition.

3 (2) Within three business days of receiving the inmate's
4 petition for modification under paragraph (1), or within
5 three business days of the department or other institution
6 filing a petition on behalf of an inmate under subsection
7 (a), the department, other institution or the district
8 attorney for the county where the conviction occurred shall,
9 subject to any applicable confidentiality requirements,
10 notify the Office of the Victim Advocate and any registered
11 victim of the inmate's offense of the petition and the
12 general reasons for the petition and provide an opportunity
13 to respond to the court in writing within seven days.

14 (3) The department or other institution shall, subject
15 to any applicable confidentiality requirements:

16 (i) In the case of an inmate diagnosed with a
17 terminal illness:

18 (A) No later than 72 hours after the diagnosis
19 by a medical professional employed or contracted by
20 the department or other institution:

21 (I) Notify the inmate's last attorney of
22 record, spouse or partner and immediate family
23 members of the inmate's condition.

24 (II) Inform the inmate's attorney, spouse or
25 partner and family members that they may prepare
26 and submit on the inmate's behalf a petition for
27 sentence modification under subsection (a)(2).

28 (III) Provide the inmate's medical records
29 to the inmate and the inmate's attorney, spouse
30 or partner or family member.

1 (B) No later than seven days after the date of
2 the diagnosis, provide the inmate's spouse or partner
3 and immediate or extended family members with an
4 opportunity to visit the inmate in person unless
5 compelling reasons exist for denying the visit and
6 the reasons are provided in writing.

7 (C) Upon request from the inmate or the inmate's
8 attorney, spouse or partner or family members, ensure
9 that the department or other institution employees
10 assist the inmate in the preparation, drafting or
11 submission of a petition for sentence modification
12 under subsection (a) (2).

13 (ii) In the case of an inmate who is physically or
14 mentally unable to prepare or file a petition for
15 sentencing modification under subsection (a) (2):

16 (A) Inform the inmate's attorney, spouse or
17 partner and family members that they may prepare and
18 submit a petition for sentencing modification under
19 subsection (a) (2).

20 (B) Upon request from the inmate, the inmate's
21 attorney, spouse or partner or family members:

22 (I) Ensure that the department or other
23 institution employee staff assist the inmate in
24 the preparation, drafting and submission of a
25 petition for sentence modification under
26 subsection (a) (2).

27 (II) Within three days of the request,
28 provide the inmate's medical records to the
29 inmate, the inmate's attorney, spouse or partner
30 or family members.

1 (iii) Ensure that all department or other
2 institutional facilities regularly and visibly post,
3 including in inmate handbooks, staff training materials
4 and facility law libraries and medical and hospice
5 facilities, and make available to inmates upon demand,
6 notice of:

7 (A) An inmate's right to petition for a sentence
8 modification under subsection (a).

9 (B) The procedures and timelines for initiating
10 and resolving petitions described in subsections (c)
11 (2) and (d).

12 (c) Judicial procedure.--

13 (1) Upon receipt of a petition for a sentence
14 modification under subsection (a), the court:

15 (i) Shall give the Commonwealth an opportunity to
16 respond to the petition in writing within 10 days or a
17 shorter time as set by the court.

18 (ii) May order a hearing on the petition without
19 requiring the inmate to attend in person.

20 (iii) Shall request, from the department or other
21 institution, the petitioner's disciplinary record. The
22 record shall be provided to the court within 10 days or a
23 shorter time as set by the court.

24 (2) The court shall:

25 (i) Issue a decision on the petition, stating the
26 reasons for the decision and the decision shall be made:

27 (A) Within 60 days of a petition made under
28 subsection (a)(1).

29 (B) Within 30 days of a petition made under
30 subsection (a)(2).

1 (ii) Immediately provide a copy of the decision to
2 the inmate, the inmates' attorney, the Office of Victim
3 Advocate, the secretary, the chief administrator of any
4 other facility and any registered victim of the inmate's
5 offense.

6 (3) The court shall, when issuing a decision on the
7 petition, consider the following:

8 (i) Any response to the petition for sentence
9 modification by the Office of Victim Advocate and any
10 registered victim of the inmate's offense.

11 (ii) Any recommendation of the secretary or chief
12 administrator of any other institution.

13 (iii) The inmate's instant offense or offenses of
14 conviction.

15 (iv) The inmate's sentence and time served on the
16 instant offense or offenses of conviction.

17 (v) The inmate's current age, physical and mental
18 condition and ability to function within a correctional
19 environment.

20 (vi) The inmate's postrelease care plan, if any.

21 (vii) The inmate's disciplinary record while
22 incarcerated as well as any history of accomplishments,
23 programing attended or other records demonstrating
24 rehabilitation.

25 (viii) The likelihood that the inmate would pose an
26 unreasonable risk of danger to others or the community if
27 released.

28 (4) In granting a petition under subsection (a), the
29 court may impose any reasonable condition of release that
30 might be imposed under a sentence of probation under section

1 9754 (relating to order of probation) and any other condition
2 specifically tailored to the circumstances giving rise to the
3 order that is least restrictive of an inmate's liberty.

4 (5) An order granting or denying a petition under this
5 section shall be a final order for the purposes of Pa.R.A.P.
6 No. 341 (relating to final orders; generally).

7 (d) Annual report.--No later than one year after September
8 1, 2026, and once every year thereafter, the secretary shall
9 submit to the Judiciary Committee of the Senate and the
10 Judiciary Committee of the House of Representatives a report on
11 petitions for sentence modifications under subsection (a), which
12 shall include descriptions of the following:

13 (1) The number of inmates granted and denied sentence
14 modifications, categorized by the criteria relied on for the
15 grounds for a modification in sentence.

16 (2) The number of petitions initiated by or on behalf of
17 inmates, categorized by the criteria relied on as the grounds
18 for a modification in sentence.

19 (3) The number of petitions that the department
20 employees assisted inmates in drafting, preparing or filing,
21 categorized by the criteria relied on as the grounds for a
22 modification in sentence and the final decision made in each
23 petition.

24 (4) The number of petitions that the attorneys, spouses
25 or partners or family members submitted on an inmate's
26 behalf, categorized by the criteria relied on as the grounds
27 for a modification in sentence and the final decision made in
28 each petition.

29 (5) The number of petitions filed in court by the
30 secretary, categorized by the criteria relied on as the

1 grounds for a modification in sentence and the final decision
2 made in each petition.

3 (6) For each petition filed in court by the secretary
4 under subsection (a) (2), the time elapsed between the date
5 the inmate was diagnosed with a terminal illness and the date
6 the secretary filed the petition in court, categorized by the
7 criteria relied on as the grounds for a modification in
8 sentence and the final decision made in each petition.

9 (7) For each criteria listed in subsection (a), the
10 number of inmates who died while a petition for sentence
11 modification was pending.

12 (8) The number of department notifications to attorneys,
13 spouses or partners and family members of their right to
14 visit a terminally ill inmate as required under subsection
15 (b) (3) (i) and, for each notification, whether the visit
16 occurred and how much time elapsed between the notification
17 and the visit.

18 (9) The number of visits to each terminally ill inmates
19 that were denied by the department due to security or other
20 concerns and the reason given for each denial.

21 (e) Regulations.--The department and the Administrative
22 Office of Pennsylvania Courts shall promulgate rules and
23 regulations to comply with the requirements of this section
24 within 180 days of the effective date of this subsection.

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

28 "Chronic and debilitating physical or medical condition or
29 disease." The term includes a medical condition that is
30 persistent or permanent, requires medication or ongoing care

1 from a physician or impairs a person's ability to perform
2 routine daily tasks or self care.

3 "Department." The Department of Corrections of the
4 Commonwealth.

5 "Deteriorating physical or mental health." The term includes
6 a loss of mobility in the limbs or body, inability to walk
7 without assistance, incontinence, forgetfulness, disorientation
8 or inability to perform routine daily tasks or self care without
9 assistance or supervision.

10 "Other institution." An institution other than the
11 department that is authorized to incarcerate or detain
12 individuals for criminal sentences, violations of criminal law
13 or orders of parole, probation, bail or other order related to a
14 civil or criminal matter.

15 "Secretary." The Secretary of Corrections of the
16 Commonwealth.

17 "Serious functional or cognitive impairment." A condition
18 that is persistent or permanent and limits the inmate's ability
19 to reason, perceive, comprehend or communicate. The term
20 includes intellectual disabilities, mental illness, dementia and
21 brain damage from injury or stroke.

22 "Substantially diminished." The inmate is unable or only
23 partially able to perform one or more essential daily tasks or
24 self care without partial or total assistance or supervision.

25 "Terminal illness." A disease or condition with an end-of-
26 life trajectory, with or without a specific prognosis of life
27 expectancy. The term includes metastatic solid tumor cancer,
28 amyotrophic lateral sclerosis, end-stage organ disease and
29 advanced dementia.

30 Section 3. Any regulations or parts of regulations are

1 abrogated insofar as they are inconsistent with the repeal or
2 addition of 42 Pa.C.S. §§ 9777 and 9778.

3 Section 4. This act shall apply to an individual sentenced
4 on, before or after the effective date of this section.

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