

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 136 Session of 2025

INTRODUCED BY STREET, SAVAL, KEARNEY, HUGHES, TARTAGLIONE,
COSTA, HAYWOOD, KANE AND SCHWANK, JANUARY 29, 2025

REFERRED TO JUDICIARY, JANUARY 29, 2025

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 61
2 (Prisons and Parole) of the Pennsylvania Consolidated
3 Statutes, in sentencing, repealing provisions relating to
4 transfer of inmates in need of medical treatment; and, in
5 Pennsylvania Board of Probation and Parole, providing for
6 parole for reasons of age or illness and for medical parole
7 due to public or disaster emergency related to health or
8 contagious disease outbreak.

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

11 Section 1. Section 9777 of Title 42 of the Pennsylvania
12 Consolidated Statutes is repealed:

13 [§ 9777. Transfer of inmates in need of medical treatment.

14 (a) Inmates committed to custody of department.--If an
15 inmate is committed to the custody of the department, the
16 department, the inmate or a person to whom the court grants
17 standing to act on behalf of the inmate may petition the
18 sentencing court to temporarily defer service of the sentence of
19 confinement and temporarily remove the inmate committed to the
20 custody of the department, or other facility, for placement in a
21 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 61 is amended by adding sections to read:
3 § 6144. Parole for reasons of age or illness.

4 (a) Eligibility.--Notwithstanding any other provision of
5 law, the board may grant parole to an incarcerated individual
6 upon petition by the department or the incarcerated individual
7 if any of the following apply:

8 (1) The incarcerated individual has a substantially
9 diminished ability to function in a correctional institution
10 due to any of the following:

11 (i) A terminal illness.

12 (ii) A chronic and debilitating physical or medical
13 condition or disease.

14 (iii) A serious functional or cognitive impairment.

15 (iv) Deteriorating physical or mental health due to
16 the aging process.

17 (2) All of the following criteria are met:

18 (i) The incarcerated individual is at least 55 years
19 of age and has served the lesser of 25 years in prison or
20 one-half of the minimum term imposed for the offense for
21 which the incarcerated individual is currently
22 imprisoned.

23 (ii) The board determines that the incarcerated
24 individual would not presently pose a danger to others or
25 the general public if released.

26 (b) Medical records.--The medical records of an incarcerated
27 individual shall be made readily available to the incarcerated
28 individual for purposes of filing a petition under subsection
29 (a).

30 (c) Department notification.--If the petition for parole is

1 filed by the incarcerated individual under subsection (a), the
2 incarcerated individual shall provide a copy of the petition to
3 the department within seven business days of filing the
4 petition.

5 (d) Victim notification.--Within three business days of
6 receiving an incarcerated individual's petition for parole or of
7 the department's filing of a petition for parole on behalf of an
8 incarcerated individual under subsection (a), the board shall,
9 subject to any applicable confidentiality requirements, take all
10 of the following actions:

11 (1) Notify the Office of Victim Advocate and any
12 registered victim of the incarcerated individual's offense of
13 the petition and the general reasons for the petition.

14 (2) Provide the Office of Victim Advocate and any
15 registered victims of the incarcerated individual an
16 opportunity to respond within seven days in writing to the
17 board.

18 (e) Attorney and family notification.--

19 (1) No later than 72 hours after an incarcerated
20 individual is diagnosed with a terminal illness, the
21 department shall, subject to any applicable confidentiality
22 requirements, take all of the following actions:

23 (i) Notify the attorney, spouse or partner or an
24 immediate family member of the incarcerated individual of
25 the incarcerated individual's condition.

26 (ii) Inform the attorney, spouse or partner or an
27 immediate family member of the incarcerated individual
28 that the attorney, spouse or partner or immediate family
29 member may prepare and submit on the incarcerated
30 individual's behalf a petition for parole in accordance

1 with subsection (a).

2 (iii) Provide the incarcerated individual's medical
3 records to the incarcerated individual and the attorney,
4 spouse or partner or an immediate family member of the
5 incarcerated individual.

6 (2) No later than seven days after the date an
7 incarcerated individual is diagnosed with a terminal illness,
8 the department shall provide the spouse or partner and family
9 members of the incarcerated individual, including extended
10 family, with an opportunity to visit the incarcerated
11 individual in person unless compelling reasons exist for
12 denying visitation and the reasons are provided in writing.

13 (3) Upon request from an incarcerated individual or the
14 attorney, spouse or partner or a family member of the
15 incarcerated individual, the department shall ensure that
16 department employees assist the incarcerated individual in
17 the preparation, drafting and submission of a petition for
18 parole in accordance with subsection (a). In the case of an
19 incarcerated individual who is physically or mentally unable
20 to prepare or file a petition for parole under subsection
21 (a), the department shall have all of the following duties:

22 (i) Inform the attorney, spouse or partner or an
23 immediate family member of the incarcerated individual
24 that the attorney, spouse or partner or immediate family
25 member may prepare and submit on the incarcerated
26 individual's behalf a petition for parole under
27 subsection (a).

28 (ii) Upon request from the incarcerated individual
29 or the attorney, spouse or partner or an immediate family
30 member of the incarcerated individual, take all of the

1 following actions:

2 (A) Ensure that department employees assist the
3 incarcerated individual in the preparation, drafting
4 and submission of a petition for parole under
5 subsection (a).

6 (B) Within three days of the request, provide
7 the incarcerated individual's medical records to the
8 incarcerated individual and the attorney, spouse or
9 partner or an immediate family member of the
10 incarcerated individual.

11 (4) The department shall ensure that employees at all
12 correctional institutions regularly and visibly post,
13 including an incarcerated individual's handbook, staff
14 training materials, law libraries and medical and hospice
15 facilities, and make available to incarcerated individuals
16 upon demand, notice of all of the following:

17 (i) An incarcerated individual's right to petition
18 for parole under subsection (a).

19 (ii) The procedures and deadlines for initiating and
20 resolving petitions made under this subsection and
21 subsections (d) and (f).

22 (f) Duties of board.--

23 (1) Within two days of receipt of a petition for parole
24 under subsection (a), the board shall notify the secretary of
25 the receipt of the petition and offer the secretary an
26 opportunity to make a recommendation on the petition. No
27 later than 10 days after receipt of notice that the board has
28 received a petition, the secretary may offer a recommendation
29 in writing to the board.

30 (2) The board shall issue a decision on a petition for

1 parole under subsection (a) and state the reasons for the
2 decision as follows:

3 (i) Within 15 days for a petition made based on the
4 criteria under subsection (a)(1).

5 (ii) Within 30 days for a petition made based on the
6 criteria under subsection (a)(2).

7 (3) The board shall immediately provide a copy of the
8 decision under paragraph (2) to all of the following:

9 (i) The incarcerated individual.

10 (ii) The incarcerated individual's attorney.

11 (iii) The Office of Victim Advocate and any
12 registered victim of the incarcerated individual's
13 offense.

14 (iv) The secretary.

15 (4) The board shall, when issuing a decision on the
16 petition under paragraph (2), consider all of the following:

17 (i) A response to the petition by the Office of
18 Victim Advocate and any registered victim of the
19 incarcerated individual's offense.

20 (ii) Recommendations by the secretary, if any.

21 (iii) The incarcerated individual's offense that
22 resulted in the conviction.

23 (iv) The incarcerated individual's sentence and time
24 served for the conviction.

25 (v) The incarcerated individual's current age,
26 physical and mental condition and ability to function
27 within a correctional environment.

28 (vi) The incarcerated individual's postrelease care
29 plan if a plan exists.

30 (vii) The incarcerated individual's disciplinary

1 record, a full set of records of accomplishments and any
2 records demonstrating rehabilitation while incarcerated.

3 (viii) The likelihood that the incarcerated
4 individual would pose a danger to others or the general
5 public if released.

6 (5) In granting parole under paragraph (2), the board
7 may impose any reasonable terms and conditions of parole
8 specifically tailored to the circumstances relating to the
9 sentence that is the least restrictive of the incarcerated
10 individual's individual liberty.

11 (g) Denial of petition.--If the board denies a petition for
12 parole under subsection (f):

13 (1) The incarcerated individual may file a State court
14 habeas corpus petition challenging the denial. The court
15 shall act upon a petition by holding a hearing within 60 days
16 of receipt of the petition.

17 (2) The incarcerated individual or the department may
18 submit another petition for parole under subsection (a) for
19 reconsideration by the board:

20 (i) within 30 days of receipt of notice of the
21 denial; or

22 (ii) if the incarcerated individual's medical
23 condition demonstrably worsens.

24 (3) In addition to paragraphs (1) and (2), the
25 incarcerated individual or the department may submit another
26 petition for parole under subsection (a) one year after the
27 date that the initial petition was filed.

28 (h) Right to counsel.--An incarcerated individual who
29 submits a petition under subsection (a) or (g) (2) shall have the
30 right to assistance of counsel, including appointment of counsel

1 if the incarcerated individual is indigent, for proceedings in
2 front of the board and for any State court habeas petition filed
3 under subsection (g).

4 (i) Reports.--No later than September 1, 2025, and each
5 September 1 thereafter, the secretary shall submit to the
6 chairperson and minority chairperson of the Judiciary Committee
7 of the Senate and the chairperson and minority chairperson of
8 the Judiciary Committee of the House of Representatives a report
9 on petitions for parole under subsection (a) and shall make the
10 report available on the department's publicly accessible
11 Internet website. The report shall include a description of all
12 of the following for the previous year:

13 (1) The number of incarcerated individuals granted and
14 denied parole, categorized by the criteria relied on as the
15 grounds for parole.

16 (2) The number of petitions initiated by or on behalf of
17 incarcerated individuals, categorized by the criteria relied
18 on as the grounds for parole.

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

24 (4) The number of petitions that attorneys, spouses or
25 partners and immediate family members of incarcerated
26 individuals submitted on behalf of the incarcerated
27 individuals, categorized by the criteria relied on as the
28 grounds for parole, and the final decision made in each
29 petition.

30 (5) The number of petitions filed by the department,

1 categorized by the criteria relied on as the grounds for
2 parole, and the final decision made in each petition.

3 (6) For each petition filed by the department based on
4 the criteria under subsection (a)(1), the time elapsed
5 between the date the incarcerated individual was diagnosed
6 and the date the department filed the petition, categorized
7 by the criteria relied on as the grounds for parole, and the
8 final decision made in each petition.

9 (7) For each criteria specified under subsection (a),
10 the number of incarcerated individuals who died while a
11 petition for parole was pending.

12 (8) The number of notifications by the department to
13 attorneys, spouses or partners and family members of
14 incarcerated individuals of their right to visit terminally
15 ill incarcerated individuals as required under subsection (e)
16 (2), whether visits occurred and how much time elapsed
17 between the notifications and the visits.

18 (9) The number of visits to terminally ill incarcerated
19 individuals that were denied by the department due to
20 security or other concerns and the reasons given for the
21 denials.

22 (j) Regulations.--The board and the department shall
23 promulgate regulations necessary to implement the provisions of
24 this section.

25 (k) 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." A medical condition that is persistent or permanent,
30 requires medication or ongoing care from a physician or impairs

1 a person's ability to perform routine daily tasks or self-care.

2 "Deteriorating physical or mental health." A loss of
3 mobility in the limbs or body, an inability to walk without
4 assistance, incontinence, forgetfulness or disorientation, an
5 inability to perform routine daily tasks or self-care without
6 assistance or supervision or a similar health issue.

7 "Serious functional or cognitive impairment." A condition
8 that is persistent or permanent and limits the incarcerated
9 individual's ability to reason, perceive, comprehend or
10 communicate. The term includes, but is not limited to,
11 intellectual disability, mental illness, dementia or brain
12 damage from injury or stroke.

13 "Substantially diminished." The incarcerated individual is
14 unable or only partially able to perform one or more essential
15 daily tasks or self-care without partial or total assistance or
16 supervision.

17 "Terminal illness." A disease or condition with an end-of-
18 life trajectory, with or without a specific prognosis of life
19 expectancy. The term includes metastatic solid-tumor cancer,
20 amyotrophic lateral sclerosis, end-stage organ disease, advanced
21 dementia or a similar disease or condition.

22 § 6145. Medical parole due to public or disaster emergency
23 related to health or contagious disease outbreak.

24 If a public or disaster emergency related to health is
25 declared or a contagious disease outbreak occurs in a department
26 facility which the facility is unable to contain or from which
27 the facility cannot protect vulnerable individuals, the board
28 may grant medical parole to an incarcerated individual who, due
29 to the individual's age or underlying health conditions, is at
30 risk of serious complications or death should the individual

1 contract the disease or virus. When granting medical parole
2 under this section, the board may use any expedited review
3 process it deems necessary and appropriate to release vulnerable
4 individuals in a timely fashion.

5 Section 3. All regulations and parts of regulations are
6 abrogated to the extent of any inconsistency with the provisions
7 of this act.

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