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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1379 Session of  
2026

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INTRODUCED BY CAPPELLETTI, HUGHES, HAYWOOD, FONTANA, COSTA,  
VOGEL, SCHWANK, SAVAL, KANE AND L. WILLIAMS, JUNE 15, 2026

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REFERRED TO JUDICIARY, JUNE 15, 2026

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in post-trial matters,  
3 further providing for scope of subchapter and for eligibility  
4 for relief, providing for postconviction resentencing relief  
5 for defendant survivors of domestic violence, sexual violence  
6 or human trafficking and further providing for jurisdiction  
7 and proceedings; and, in sentencing, further providing for  
8 sentencing procedure for murder of the first degree and  
9 providing for criminal prosecutions involving defendant  
10 survivors of domestic violence, sexual violence or human  
11 trafficking.

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

14 Section 1. Section 9542 of Title 42 of the Pennsylvania  
15 Consolidated Statutes is amended to read:

16 § 9542. Scope of subchapter.

17 This subchapter provides for an action by which persons  
18 convicted of crimes they did not commit and persons serving  
19 illegal sentences may obtain collateral relief. This subchapter  
20 also provides for an action by which certain survivors of  
21 domestic violence, sexual violence or human trafficking may  
22 obtain postconviction resentencing relief. The action

1 established in this subchapter shall be the sole means of  
2 obtaining collateral relief and encompasses all other common law  
3 and statutory remedies for the same purpose that exist when this  
4 subchapter takes effect, including habeas corpus and coram  
5 nobis. This subchapter is not intended to limit the availability  
6 of remedies in the trial court or on direct appeal from the  
7 judgment of sentence, to provide a means for raising issues  
8 waived in prior proceedings or to provide relief from collateral  
9 consequences of a criminal conviction. Except as specifically  
10 provided otherwise, all provisions of this subchapter shall  
11 apply to capital and noncapital cases.

12 Section 2. Section 9543(a)(2) of Title 42 is amended by  
13 adding a subparagraph to read:

14 § 9543. Eligibility for relief.

15 (a) General rule.--To be eligible for relief under this  
16 subchapter, the petitioner must plead and prove by a  
17 preponderance of the evidence all of the following:

18 \* \* \*

19 (2) That the conviction or sentence resulted from one or  
20 more of the following:

21 \* \* \*

22 (ix) In the case of a petition under section 9543.2  
23 (relating to postconviction resentencing relief for  
24 defendant survivors of domestic violence, sexual violence  
25 or human trafficking), the petitioner's victimization was  
26 a significant contributing factor to the petitioner's  
27 criminal conduct.

28 \* \* \*

29 Section 3. Title 42 is amended by adding a section to read:  
30 § 9543.2. Postconviction resentencing relief for defendant

1 survivors of domestic violence, sexual violence or  
2 human trafficking.

3 (a) Petition.--A petitioner convicted of a criminal offense  
4 in a court of this Commonwealth who is serving a term of  
5 imprisonment or awaiting execution because of a sentence of  
6 death may petition the sentencing court for postconviction  
7 resentencing relief under this section if the petitioner proves  
8 all of the following:

9 (1) The petitioner was a survivor of domestic violence,  
10 sexual violence or human trafficking.

11 (2) The petitioner's victimization was a significant  
12 contributing factor to the petitioner's criminal conduct.

13 (b) Filing.--A petition under this section shall be filed in  
14 the court of common pleas in which the petitioner was convicted.

15 (c) Contents of petition.--A petition under this section  
16 shall include all of the following:

17 (1) The grounds for relief.

18 (2) A statement of the facts supporting the grounds for  
19 relief.

20 (3) Documentation showing that the petitioner is either:

21 (i) currently serving a sentence of imprisonment; or

22 (ii) awaiting execution of a sentence of death.

23 (4) Evidence supporting the petitioner's claim that the  
24 petitioner was a survivor of domestic violence, sexual  
25 violence or human trafficking.

26 (5) Evidence demonstrating that the petitioner's  
27 victimization was a significant contributing factor to the  
28 petitioner's criminal conduct.

29 (6) In a capital case, an averment that the petitioner's  
30 status as a survivor under this section establishes a

1 mitigating circumstance.

2 (d) Corroborating evidence.--

3 (1) The petitioner shall provide at least one piece of  
4 evidence corroborating that the petitioner was a survivor at  
5 the time of the offense. A criminal conviction of a  
6 perpetrator shall not be required to establish survivor  
7 status.

8 (2) At least one piece of corroborating evidence under  
9 paragraph (1) shall consist of any of the following:

10 (i) A court record.

11 (ii) A presentence report.

12 (iii) A social services record.

13 (iv) A hospital or medical record.

14 (v) A sworn statement from a witness other than the  
15 petitioner.

16 (vi) A law enforcement record.

17 (vii) A domestic incident report.

18 (viii) A protective order.

19 (3) Additional corroborating evidence may include any of  
20 the following:

21 (i) A county jail record or a Department of  
22 Corrections record.

23 (ii) Verification of consultation with a licensed  
24 medical or mental health provider.

25 (iii) Documentation from a court employee acting  
26 within the scope of employment.

27 (iv) Documentation from a member of the clergy.

28 (v) Documentation from an attorney or social worker.

29 (vi) Documentation from a victim advocate or  
30 counselor.

1           (vii) Documentation from an agency that assists  
2 victims of abuse.

3           (viii) Expert testimony from a psychiatrist,  
4 psychologist or other mental health professional,  
5 including testimony regarding trauma, coercive control or  
6 post-traumatic stress disorder.

7       (e) Notice to Commonwealth.--Upon receipt of a petition  
8 under subsection (a), the court shall notify the attorney for  
9 the Commonwealth and shall afford the attorney for the  
10 Commonwealth an opportunity to respond.

11       (f) Hearing.--

12           (1) After the filing of a petition under this section,  
13 the court shall review the petition, any answer filed by the  
14 attorney for the Commonwealth and the record in the matter.  
15 The court shall conduct a hearing if the petition complies  
16 with subsections (c) and (d). If the court finds that the  
17 petition does not comply with subsections (c) and (d), the  
18 court shall notify the petitioner and deny the petition  
19 without prejudice.

20           (2) If the judge who imposed the original sentence is no  
21 longer serving on the court, the petition shall be assigned  
22 in accordance with rules of court.

23           (3) The court shall provide notice of the hearing to the  
24 petitioner, the attorney for the Commonwealth and any victim  
25 entitled to notice under law. The notice shall specify the  
26 date, time and place of the hearing.

27           (4) At the hearing, the court shall have the following  
28 duties:

29           (i) Receive testimony from witnesses presented by  
30 either party.

1           (ii) Receive victim testimony, if applicable.

2           (iii) Admit and consider other relevant evidence,  
3           including documentary evidence and expert testimony,  
4           necessary to determine whether the petitioner was a  
5           survivor of domestic violence, sexual violence or human  
6           trafficking and whether the petitioner's victimization  
7           was a significant contributing factor to the petitioner's  
8           criminal conduct.

9           (5) In determining whether the petitioner's  
10          victimization was a significant contributing factor to the  
11          petitioner's criminal conduct, the court may consider expert  
12          testimony and evidence of trauma, coercive control or post-  
13          traumatic stress disorder.

14          (6) The court may determine that the petitioner's  
15          victimization was a significant contributing factor to the  
16          petitioner's criminal conduct regardless of whether the  
17          petitioner raised an affirmative defense at trial or at the  
18          time of the offense.

19          (g) Burden of proof.--The petitioner has the burden of  
20          proving by a preponderance of the evidence that the petitioner  
21          qualifies for relief under this section.

22          (h) Nonwaiver.--The right of a petitioner to seek relief  
23          under this section may not be waived. A waiver of the right to  
24          seek relief under this section, including a waiver in a plea  
25          agreement, sentencing agreement or other agreement, shall be  
26          void and unenforceable.

27          (i) Findings and statement of reasons.--

28                 (1) If the court denies relief under this section, the  
29                 court shall make findings of fact and conclusions of law on  
30                 the record and state in open court the reasons for the

1 denial. The statement must include the court's determination  
2 regarding the petitioner's eligibility under this section.

3 (2) If the court grants relief under this section, the  
4 court shall make findings of fact and conclusions of law on  
5 the record and state in open court the reasons for the  
6 sentence imposed. The statement must include the court's  
7 determination regarding the petitioner's eligibility under  
8 this section and the extent to which the petitioner's  
9 victimization was a significant contributing factor to the  
10 petitioner's criminal conduct.

11 (j) Resentencing order.--If the court finds that the  
12 petitioner has established eligibility for relief under this  
13 section, the court may vacate the original sentence and  
14 resentence the petitioner in accordance with subsection (k) or  
15 impose any of the following:

16 (1) A sentence below the minimum sentence specified in  
17 the sentencing guidelines adopted by the Pennsylvania  
18 Commission on Sentencing.

19 (2) A sentence that does not include incarceration.

20 (k) Sentencing limitations.--

21 (1) If the court grants relief under this section, the  
22 court may not impose a sentence greater than any of the  
23 following:

24 (i) If the original sentence was life imprisonment  
25 without parole, a term of not more than 25 years.

26 (ii) If the original sentence was life imprisonment  
27 with parole, a term of not more than 20 years.

28 (iii) If the original sentence was 30 years or more,  
29 a term of not more than 15 years.

30 (iv) If the original sentence was 20 years or more,

1 a term of not more than 10 years.

2 (v) If the original sentence was 15 years or more, a  
3 term of not more than seven and one-half years.

4 (vi) If the original sentence was eight years or  
5 more, a term of not more than four years.

6 (vii) If the original sentence was at least five  
7 years but less than eight years, a term of not more than  
8 two and one-half years.

9 (viii) If the original sentence was less than five  
10 years, a term of not more than 50% of the original  
11 sentence imposed.

12 (2) Sentencing guidelines adopted by the Pennsylvania  
13 Commission on Sentencing may not supersede the sentencing  
14 limitations under paragraph (1).

15 (1) Credit for time served.--A person who is resentenced  
16 under this section shall be given credit for time served toward  
17 the sentence originally imposed. A person whose time served  
18 exceeds the period of incarceration required by the reduced  
19 sentence shall be released.

20 (m) Definitions.--As used in this section, the following  
21 words and phrases shall have the meanings given to them in this  
22 subsection:

23 "Survivor." A defendant who was a victim of domestic  
24 violence, sexual violence or human trafficking and was subjected  
25 to significant physical, sexual or psychological abuse.

26 "Victimization." Domestic violence, sexual violence or human  
27 trafficking experienced by a survivor at the time of the  
28 offense.

29 Section 4. Sections 9545(b) and 9711(e) of Title 42 are  
30 amended by adding paragraphs to read:

1 § 9545. Jurisdiction and proceedings.

2 \* \* \*

3 (b) Time for filing petition.--

4 \* \* \*

5 (2.1) A petition under section 9543.2 (relating to  
6 postconviction resentencing relief for defendant survivors of  
7 domestic violence, sexual violence or human trafficking)  
8 shall not be subject to the time limitation under paragraph  
9 (1).

10 \* \* \*

11 § 9711. Sentencing procedure for murder of the first degree.

12 \* \* \*

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

15 \* \* \*

16 (7.1) The defendant was a survivor as defined in section  
17 9730.4(f) (relating to criminal prosecutions involving  
18 defendant survivors of domestic violence, sexual violence or  
19 human trafficking).

20 \* \* \*

21 Section 5. Title 42 is amended by adding a section to read:

22 § 9730.4. Criminal prosecutions involving defendant survivors  
23 of domestic violence, sexual violence or human  
24 trafficking.

25 (a) Consideration by court.--In imposing a sentence for an  
26 offense committed by a defendant who is a survivor, the court  
27 shall consider evidence that the defendant was a survivor of  
28 domestic violence, sexual violence or human trafficking and that  
29 the defendant's victimization was a significant contributing  
30 factor to the defendant's criminal conduct.

1 (b) Mitigating factor.--If the court finds that the  
2 defendant's victimization was a significant contributing factor  
3 to the defendant's criminal conduct, the court shall consider  
4 that finding as a mitigating factor in determining the  
5 appropriate sentence and may impose any of the following:

6 (1) A sentence below the minimum sentence specified in  
7 the sentencing guidelines adopted by the Pennsylvania  
8 Commission on Sentencing.

9 (2) A sentence that does not include incarceration.

10 (c) Limitation.--

11 (1) The court may not impose a sentence under this  
12 section greater than any of the following:

13 (i) If the maximum sentence is life imprisonment  
14 without parole, a term of not more than 25 years.

15 (ii) If the maximum sentence is life imprisonment  
16 with parole, a term of not more than 20 years.

17 (iii) If the maximum sentence is 30 years or more, a  
18 term of not more than 15 years.

19 (iv) If the maximum sentence is 20 years or more, a  
20 term of not more than 10 years.

21 (v) If the maximum sentence is 15 years or more, a  
22 term of not more than seven and one-half years.

23 (vi) If the maximum sentence is eight years or more,  
24 a term of not more than four years.

25 (vii) If the maximum sentence is at least five years  
26 but less than eight years, a term of not more than two  
27 and one-half years.

28 (viii) If the maximum sentence is less than five  
29 years, a term of not more than 50% of the original  
30 sentence imposed.

1           (2) Sentencing guidelines adopted by the Pennsylvania  
2           Commission on Sentencing may not supersede the sentencing  
3           limitations under paragraph (1).

4           (d) Credit for time served.--A person who is sentenced under  
5           this section shall be given credit for time served as provided  
6           under section 9760 (relating to credit for time served).

7           (e) Nonwaiver.--The right of a defendant to present evidence  
8           and request consideration under this section may not be waived.  
9           A waiver of the right to present evidence or request  
10           consideration under this section, including a waiver in a plea  
11           agreement, sentencing agreement or other agreement, shall be  
12           void and unenforceable.

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

16           "Survivor." A defendant who, at the time of the offense, was  
17           a victim of domestic violence, sexual violence or human  
18           trafficking and was subjected to significant physical, sexual or  
19           psychological abuse.

20           "Victimization." Domestic violence, sexual violence or human  
21           trafficking experienced by a survivor at the time of the  
22           offense.

23           Section 6. This act shall take effect in 60 days.