

House Judiciary Committee Voting Meeting
Majority Caucus Room
Room 140 Main Capitol
Harrisburg, PA 17120
June 08, 2026
10:30 AM

PLEASE NOTE: THREE AMENDMENTS HAVE BEEN ADDED TO THE AGENDA; THE CORRESPONDING MATERIALS HAVE BEEN UPLOADED

Agenda

House Bill 2462 (BRENNAN/MUNROE) An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in general provisions relating to civil actions and proceedings, providing for prohibiting agreements exempting recreational facilities from liability.

House Bill 1913 (BRENNAN) An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, providing for permissible argument for damages.

House Bill 2244 (BRIGGS) An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, providing for the offense of unauthorized access to firearms.

A03442 (BRIGGS)

House Bill 2245 (BRIGGS) An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for exclusions from tax.

House Bill 2281 (BRIGGS) An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juries and jurors, further providing for qualifications of jurors.

House Bill 2299 (BIZZARRO) An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, further providing for definitions; and, in recordings by law enforcement officers, further providing for definitions.

House Bill 2392 (BENNINGHOFF) An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in operation of boats, further providing for the offense of operating watercraft under influence of alcohol or controlled substance.

A03421 (HOHENSTEIN)

House Resolution 519 (BONNER) A Resolution directing the Pennsylvania Commission on Sentencing to conduct a study of bail and pretrial release practices and to issue recommendations to the House of Representatives regarding the setting of bail and pretrial release conditions.

House Resolution 547 (HARRIS/DELOZIER) A Resolution directing the Legislative Budget and Finance Committee to conduct a study on the use of electronic monitoring as an alternative to incarceration in this Commonwealth and to report its findings and recommendations to the House of Representatives.

House Bill 1585 (BERNSTINE) An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in other offenses, providing for prohibition against publishing or disseminating booking photographs for commercial use.

A03329 (BRIGGS)

And any other business that comes before the Committee

Adjournment

Please advise Maya Fitterer, MFitterer@pahouse.net, with your attendance plans. Thank you.

Attachments:

- Sunshine Memo
- Judiciary Meeting Agenda
- HB2462
- HB2462 BA
- HB1913
- HB1913 BA
- HB2244
- A03442 to HB2244
- HB2244 BA
- HB2245
- HB2245 BA
- HB2281
- HB2281 BA
- HB2299
- HB2299 BA
- HB2392
- A03421 to HB2392
- HB2392 BA
- HR519
- HR519 BA
- HR547
- HR547 BA
- HB1585
- A03329 to HB1585
- HB1585 BA

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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

JUDICIARY, *CHAIRMAN*

CAUCUSES

LIFE SCIENCE, *CHAIR*
BRAIN INJURY, *CHAIR*

PENNSYLVANIA STATE SYSTEM OF HIGHER
EDUCATION (PASSHE), *BOARD OF GOVERNORS*
PENNSYLVANIA COMMISSION ON CRIME &
DELINQUENCY (PCCD), *COMMISSIONER*

June 3, 2026

TO: House Judiciary Committee Members
FROM: Tim Briggs, Majority Chairman
RE: **Voting Meeting**

A handwritten signature in blue ink that reads "Tim Briggs".

The House Judiciary Committee will hold a **voting meeting** on **Monday, June 8, 2026, at 10:30 a.m. in 140 Main Capitol Building**. The Committee is scheduled to consider the following:

House Bill 2462 (Brennan/Munroe) Amends Title 42 (Judiciary and Judicial Procedure) in general provisions relating to civil actions and proceedings, providing for prohibiting agreements exempting recreational facilities from liability.

House Bill 1913 (Brennan) Amends Title 42 (Judiciary and Judicial Procedure) in particular rights and immunities, providing for permissible argument for damages.

House Bill 2244 (Briggs) Amends Title 18 (Crimes and Offenses) in firearms and other dangerous articles, providing for the offense of unauthorized access to firearms.

House Bill 2245 (Briggs) Amends the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for exclusions from tax.

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House Bill 2299 (Bizzarro) Amends Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) in wiretapping and electronic surveillance, further providing for definitions; and, in recordings by law enforcement officers, further providing for definitions.

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And any other business that comes before the committee.

Please advise Maya Fitterer, MFitterer@pahouse.net, with your attendance plans. Thank you!

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PENNSYLVANIA COMMISSION ON CRIME &
DELINQUENCY (PCCD), *COMMISSIONER*

House Judiciary Committee Voting Meeting
Majority Caucus Room
Room 140 Main Capitol
Harrisburg, PA 17120
June 8, 2026
10:30 AM

Agenda

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House Bill 1913 (Brennan) Amends Title 42 (Judiciary and Judicial Procedure) in particular rights and immunities, providing for permissible argument for damages.

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Please see back of page

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A03329 (Briggs)

And any other business that comes before the Committee

Adjournment

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2462 Session of
2026

INTRODUCED BY BRENNAN, MUNROE, K. HARRIS, DOUGHERTY, NEILSON,
SANCHEZ AND CEPEDA-FREYTIZ, APRIL 27, 2026

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 29, 2026

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in general provisions
3 relating to civil actions and proceedings, providing for
4 prohibiting agreements exempting recreational facilities from
5 liability.

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

8 Section 1. Title 42 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 7104. Prohibiting agreements exempting recreational
11 facilities from liability.

12 (a) Prohibited agreements.--A provision in a contract or
13 agreement relating to the use of a recreational facility that
14 purports to limit the recreational facility's liability, or
15 release the recreational facility from or indemnify or hold
16 harmless the recreational facility against liability, for injury
17 caused by or resulting from the failure of the recreational
18 facility to have safety equipment or trained personnel
19 accessible on the premises of the recreational facility is

1 against public policy and is void and unenforceable.

2 (b) Applicability.--This section shall apply to a contract
3 or agreement entered into on or after the effective date of this
4 subsection.

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

8 "Certified lifeguard." An individual who has a current
9 certificate in lifeguarding issued by a lifeguard certifying
10 authority recognized by the Department of Health.

11 "Recreational facility." A commercial recreational facility,
12 a commercial athletic facility or an amusement attraction. The
13 term includes gymnasiums and swimming pools.

14 "Safety equipment." Equipment intended to promote the safety
15 of all individuals present on the premises of a recreational
16 facility and that may be used as part of a response to an
17 emergency. The term includes:

18 (1) A surveillance camera.

19 (2) A first aid kit.

20 (3) An automated external defibrillator.

21 "Trained personnel." An employee who is trained to respond
22 to a specific emergency occurring on the premises of a
23 recreational facility, which shall include any of the following:

24 (1) An employee trained in the use of an automated
25 external defibrillator.

26 (2) An employee trained and certified to administer
27 cardiopulmonary resuscitation.

28 (3) An employee who is a certified lifeguard.

29 Section 2. This act shall take effect in 60 days.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB2462 PN3297	Prepared By:	David Vitale, Esq. (717) 705-7011
Committee:	Judiciary	Executive Director:	David Vitale, Esq.
Sponsor:	Brennan and Monroe		
Date:	5/6/2026		

A. Brief Concept

Prohibits recreational facilities from using waivers of liability to shield themselves from legal responsibility for their own negligence.

C. Analysis of the Bill

Amends Title 42 by adding § 7104 (Prohibiting agreements exempting recreational facilities from liability) to prohibit agreements exempting recreational facilities from liability. A provision in a contract or agreement relating to the use of a recreational facility that limits the recreational facility's liability, or release the *recreational facility* from or indemnify or hold harmless the recreational facility against liability, for injury caused by or resulting from the failure of the recreational facility to have *safety equipment* or *trained personnel* accessible on the premises of the recreational facility is against public policy and is void and unenforceable.

This section only applies to contracts enter into after the effective date of the bill.

Definitions:

"Recreational facility." A commercial recreational facility, a commercial athletic facility or an amusement attraction. The term includes gymnasiums and swimming pools.

"Safety equipment." Equipment intended to promote the safety of all individuals present on the premises of a recreational facility and that may be used as part of a response to an emergency. The term includes:

- (1) A surveillance camera.
- (2) A first aid kit.
- (3) An automated external defibrillator.

"Trained personnel." An employee who is trained to respond to a specific emergency occurring on the premises of a recreational facility, which shall include any of the following:

- (1) An employee trained in the use of an automated external defibrillator.
- (2) An employee trained and certified to administer cardiopulmonary resuscitation.
- (3) An employee who is a certified lifeguard.

"Certified lifeguard." An individual who has a current certificate in lifeguarding issued by a lifeguard certifying authority recognized by the Department of Health.

Effective Date:

60 Days.

G. Relevant Existing Laws

None.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

None.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1913 Session of
2025

INTRODUCED BY BRENNAN, HILL-EVANS, WAXMAN, PROKOPIAK, K.HARRIS,
RIVERA AND GREEN, OCTOBER 1, 2025

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 1, 2025

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, providing for permissible argument for damages.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 8320.2. Permissible argument for damages.

9 (a) Permissible argument.--Except as provided under
10 subsection (b), in any civil action tried before a judge, jury
11 or other tribunal, an attorney may, during closing argument:

12 (1) Specifically argue to the judge, jury or other
13 tribunal in lump sums or by mathematical formula the amount
14 the attorney deems to be an appropriate award for all past
15 and future economic or noneconomic damages or both economic
16 and noneconomic damages claimed to be recoverable.

17 (2) On behalf of a defendant, argue to the judge, jury
18 or other tribunal that an award of any lesser amount is

1 appropriate if there is a finding of liability against the
2 defendant.

3 (b) Prior disclosure required.--A party may not argue a sum
4 as provided for under subsection (a) unless the party first
5 discloses to the court and opposing counsel that the party
6 intends to argue damages listed under subsection (a) prior to
7 the presentation of closing arguments.

8 (c) Jury instruction.--In a civil action tried before a
9 jury, when lump sums or mathematical formulas are argued during
10 closing arguments as provided for under subsection (a), the
11 trial court shall instruct the jury that the sums or
12 mathematical formulas argued are not evidence but only arguments
13 and that the determination of the amount of appropriate damages
14 to be awarded, if any, is solely for the jury's determination.

15 (d) Construction.--

16 (1) Nothing in this section shall be construed to
17 prevent a defendant from arguing that the facts and evidence
18 of the case support a finding of no liability.

19 (2) Notwithstanding subsection (b), arguments as to
20 appropriate amount of economic damages may be made without
21 notice to opposing counsel if evidence supporting economic
22 damages has been introduced at trial.

23 Section 2. This act shall take effect in 60 days.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB1913 PN2394	Prepared By:	David Vitale, Esq. (717) 705-7011,6791
Committee:	Judiciary	Executive Director:	David Vitale, Esq.
Sponsor:	Brennan, Timothy		
Date:	3/3/2026		

A. Brief Concept

Allows both plaintiff and defense attorneys to argue to the judge or jury a specific amount for both economic and noneconomic damages during closing arguments in civil cases.

C. Analysis of the Bill

Adds § 8320.2 (Permissible argument for damages) to Title 42 allow attorneys in civil cases to argue specific amounts for both economic and noneconomic damages during closing.

§ 8320.2. Permissible argument for damages.

(a) Permissible argument.--Except as provided under subsection (b), in any civil action tried before a judge, jury or other tribunal, an attorney may, during closing argument:

(1) Specifically argue to the judge, jury or other tribunal in lump sums or by mathematical formula the amount the attorney deems to be an appropriate award for all past and future economic or noneconomic damages or both economic and noneconomic damages claimed to be recoverable.

(2) On behalf of a defendant, argue to the judge, jury or other tribunal that an award of any lesser amount is appropriate if there is a finding of liability against the defendant.

(b) Prior disclosure required.--A party may not argue a sum as provided for under subsection (a) unless the party first discloses to the court and opposing counsel that the party intends to argue damages listed under subsection (a) prior to the presentation of closing arguments.

(c) Jury instruction.--In a civil action tried before a jury, when lump sums or mathematical formulas are argued during closing arguments as provided for under subsection (a), the trial court shall instruct the jury that the sums or mathematical formulas argued are not evidence but only arguments and that the determination of the amount of appropriate damages to be awarded, if any, is solely for the jury's determination.

(d) Construction.--(1) Nothing in this section shall be construed to prevent a defendant from arguing that the facts and evidence of the case support a finding of no liability. (2) Notwithstanding subsection (b), arguments as to appropriate amount of economic damages may be made without notice to opposing counsel if evidence supporting economic damages has been introduced at trial.

Effective Date:

60 Days.

G. Relevant Existing Laws

Currently, in Pennsylvania, juries cannot be told any quantification of damages during a civil trial.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

None.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2244 Session of
2026

INTRODUCED BY BRIGGS, SHUSTERMAN, FRANKEL, McNEILL, BRENNAN,
ISAACSON, RIVERA, VENKAT, CURRY, MADDEN, HANBIDGE, DONAHUE,
HOHENSTEIN, POWELL, GUENST, SANCHEZ, KINKEAD, OTTEN, FREEMAN
AND INGLIS, JUNE 2, 2026

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 3, 2026

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, providing for the offense of unauthorized access to
4 firearms.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended to read:

9 § 6143. Unauthorized access to firearms.

10 (a) Secure storage required.--A possessor of a firearm shall
11 ensure that the firearm is securely stored when not in use. For
12 the purpose of this subsection, a firearm is considered to be
13 securely stored when not in use if the firearm is carried by the
14 possessor or within close proximity to the possessor so that the
15 possessor can readily retrieve the firearm and prevent
16 unauthorized users from gaining access to the firearm as if the
17 possessor carried the firearm.

18 (b) Grading.--A violation of subsection (a) shall be graded

1 as follows:

2 (1) Except as provided under paragraph (2), a summary
3 offense with no term of imprisonment.

4 (2) For a person who knew or should have reasonably
5 known that a minor or unauthorized user was present or likely
6 to be present in the area where the firearm was left
7 unsecured, a misdemeanor of the third degree.

8 (c) Civil liability.--A person whose act or omission
9 constitutes a violation of subsection (a), regardless of whether
10 there has been a criminal prosecution, shall be strictly liable
11 for damages in any civil action in which a party claims bodily
12 injury or property damage resulting from the possession or use
13 of the person's unsecured firearm.

14 (d) Affirmative defense.--It is an affirmative defense to
15 criminal prosecution and civil liability under this section if a
16 minor or unauthorized user gained possession of the firearm as a
17 result of an unlawful entry by a person or through a lawful act
18 of self-defense.

19 (e) Notice by retailer.--

20 (1) A person who offers for sale at retail a firearm
21 shall post in a conspicuous place and at all times display in
22 block letters not less than three inches in height the
23 following notice:

24 Unless lawfully carried on your person, you are
25 required by law to securely store your firearm(s). A
26 failure to securely store your firearm(s) may result
27 in criminal or civil liability.

28 (2) A violation of this subsection constitutes a
29 misdemeanor of the third degree.

30 (f) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Firearm." As defined under section 908(c) (relating to
4 prohibited offensive weapons).

5 "Gun safe." A self-contained enclosure specifically designed
6 and manufactured for the purpose of securely storing a firearm
7 and equipped with a padlock, key lock, combination lock, keypad,
8 electronic keypad, biometric scanner or similar mechanism that,
9 when properly locked, prevents unauthorized access to the
10 firearm. The term does not include a gun cabinet.

11 "Locking device." As defined under section 6142(f) (relating
12 to locking device for firearms).

13 "Minor." An individual under 18 years of age.

14 "Securely store." Provided that the key or combination, if
15 any, are kept separately from the gun safe or locking device,
16 either of the following:

17 (1) storing a firearm in a properly locked gun safe; or

18 (2) storing a firearm out of plain sight with a properly
19 engaged locking device.

20 "Unauthorized user." A person who is ineligible to purchase
21 or possess a firearm under Federal law or section 6105 (relating
22 to persons not to possess, use, manufacture, control, sell or
23 transfer firearms) or to whom the owner has not expressly
24 granted permission to use the firearm.

25 Section 2. This act shall take effect in 60 days.

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 2244

Sponsor: **Briggs**

Printer's No. 3505

1 Amend Bill, page 1, lines 1 through 4, by striking out all of
2 said lines and inserting

3 Amending the act of March 4, 1971 (P.L.6, No.2), known as the
4 Tax Reform Code of 1971, in sales and use tax, further
5 providing for exclusions from tax.

6 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
7 Consolidated Statutes, in firearms and other dangerous
8 articles, providing for the offense of unauthorized access to
9 firearms.

10 Amend Bill, page 1, lines 7 and 8, by striking out all of
11 said lines and inserting

12 Section 1. Section 204 of the act of March 4, 1971 (P.L.6,
13 No.2), known as the Tax Reform Code of 1971, is amended by
14 adding a clause to read:

15 Section 204. Exclusions from Tax.--The tax imposed by
16 section 202 shall not be imposed upon any of the following:

17 * * *

18 (77) The sale at retail or use of a gun safe or gun lock.
19 For the purposes of this clause, the following terms and phrases
20 shall have the following meanings:

21 "Gun lock" shall have the same meaning as the term "locking
22 device" as defined in 18 Pa.C.S. § 6142(f) (relating to locking
23 device for firearms).

24 "Gun safe" means a self-contained enclosure specifically
25 designed and manufactured for the purpose of securely storing a
26 firearm and equipped with a padlock, key lock, combination lock,
27 keypad, electronic keypad, biometric scanner or similar
28 mechanism that, when properly locked, prevents unauthorized
29 access to the firearm. The term does not include a gun cabinet.

30 Section 2. Title 18 of the Pennsylvania Consolidated
31 Statutes is amended by adding a section to read:

32 Amend Bill, page 3, line 25, by striking out "2" and
33 inserting

34 3

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB2244 PN3505	Prepared By:	Michelle Batt, Esq. (717) 783-4046
Committee:	Judiciary	Executive Director:	David Vitale, Esq.
Sponsor:	Briggs, Tim		
Date:	5/29/2026		

A. Brief Concept

Requires the secure storage of firearms when not in use.

C. Analysis of the Bill

Amends Title 18 in Chapter 61 (Firearms and Other Dangerous Articles) by adding section 6143 to require the secure storage of firearms when not in use.

Secure storage means any of the following:

- The firearm is carried by the possessor or is in such close proximity to the possessor that they can readily retrieve it and prevent unauthorized users from gaining access to the firearm.
- The firearm is stored in a properly locked gun safe, provided that the key or combination, if any, are kept separately from the gun safe.
- The firearm is stored out of plain sight with a properly engaged locking device, provided that the key or combination, if any, are kept separately from the locking device.

Penalties:

A violation of the secure storage requirement is a *summary offense* with no term of imprisonment, unless the person knew or should have reasonably known that a minor or unauthorized user was present or likely to be present in the area where the firearm was left unsecured, a violation of the secure storage requirement is a misdemeanor of the third degree.

A person whose act or omission constitutes a violation of subsection (a), regardless of whether there has been a criminal prosecution, shall be strictly liable for damages in any *civil action* in which a party claims bodily injury or property damage resulting from the possession or use of the person's unsecured firearm.

Affirmative defense:

It is an affirmative defense to criminal prosecution and civil liability under this section if a minor or unauthorized user gained possession of the firearm as a result of an unlawful entry by a person or through a lawful act of self-defense.

Notice:

Requires retailers to conspicuously post the secure storage requirement. A retailer who does not comply with this requirement is guilty of a misdemeanor of the third degree.

Definitions:

"Firearm." As defined under section 908(c) (relating to prohibited offensive weapons).

"Gun safe." A self-contained enclosure specifically designed and manufactured for the purpose of securely storing a firearm and equipped with a padlock, key lock, combination

lock, keypad, electronic keypad, biometric scanner or similar mechanism that, when properly locked, prevents unauthorized access to the firearm. The term does not include a gun cabinet.

"Locking device." As defined under section 6142(f) (relating to locking device for firearms).

"Minor." An individual under 18 years of age.

"Unauthorized user." A person who is ineligible to purchase or possess a firearm under Federal law or section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) or to whom the owner has not expressly granted permission to use the firearm.

Effective Date:

60 Days.

G. Relevant Existing Laws

None.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

HB 1629 of 2023 (Briggs) was reported as amended at the Nover 14, 2023 HJC voting meeting by a party line vote of 14-11. No further movement.

HB 785 of 2021 (Briggs) saw no movement.

Please note, the Chairman's previous versions of secure storage have all been focused on child access prevention whereas this session's version of the bill is broader to require the secure storage of all firearms.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2245 Session of
2026

INTRODUCED BY BRIGGS, SHUSTERMAN, FRANKEL, McNEILL, ISAACSON,
VENKAT, CURRY, HANBIDGE, DONAHUE, HOHENSTEIN, GUENST,
SANCHEZ, KINKEAD AND OTTEN, MAY 27, 2026

REFERRED TO COMMITTEE ON JUDICIARY, MAY 27, 2026

AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An
2 act relating to tax reform and State taxation by codifying
3 and enumerating certain subjects of taxation and imposing
4 taxes thereon; providing procedures for the payment,
5 collection, administration and enforcement thereof; providing
6 for tax credits in certain cases; conferring powers and
7 imposing duties upon the Department of Revenue, certain
8 employers, fiduciaries, individuals, persons, corporations
9 and other entities; prescribing crimes, offenses and
10 penalties," in sales and use tax, further providing for
11 exclusions from tax.

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

14 Section 1. Section 204 of the act of March 4, 1971 (P.L.6,
15 No.2), known as the Tax Reform Code of 1971, is amended by
16 adding a paragraph to read:

17 Section 204. Exclusions from Tax.--The tax imposed by
18 section 202 shall not be imposed upon any of the following:

19 * * *

20 (77) The sale at retail or use of a gun safe or gun lock.

21 For the purposes of this clause, the following terms and phrases
22 shall have the following meanings:

1 "Gun lock" shall have the same meaning as the term "locking
2 device" as defined in 18 Pa.C.S. § 6142(f) (relating to locking
3 device for firearms).

4 "Gun safe" means a self-contained enclosure specifically
5 designed and manufactured for the purpose of securely storing a
6 firearm and equipped with a padlock, key lock, combination lock,
7 keypad, electronic keypad, biometric scanner or similar
8 mechanism that, when properly locked, prevents unauthorized
9 access to the firearm. The term does not include a gun cabinet.

10 Section 2. This act shall take effect in 60 days.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB2245 PN3446	Prepared By:	Michelle Batt, Esq. (717) 783-4046
Committee:	Judiciary	Executive Director:	David Vitale, Esq.
Sponsor:	Briggs, Tim		
Date:	5/29/2026		

A. Brief Concept

Provides a sale tax exemption for the sale of gun locks and gun safes.

C. Analysis of the Bill

Amends Section 204 of the Tax Reform Code of 1971, by adding a paragraph 77 to exclude the sale of gun locks and gun safes from sales tax.

Definitions:

"Gun lock" has the same meaning as "locking device" at 18 Pa.C.S. § 6142(f) (relating to locking device for firearms), which is defined as either of the following:

- (1) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; or
- (2) a device that is incorporated into the design of a firearm and that is designed to prevent the operation of the firearm by anyone not having access to the device.

"Gun safe" means a self-contained enclosure specifically designed and manufactured for the purpose of securely storing a firearm and equipped with a padlock, key lock, combination lock, keypad, electronic keypad, biometric scanner or similar mechanism that, when properly locked, prevents unauthorized access to the firearm. The term does not include a gun cabinet.

Effective Date:

60 Days.

G. Relevant Existing Laws

Under the Tax Code there are currently approximately 62 exclusions from taxes. Items excluded include things like the retail sale of coal, water, Diapers, feminine hygiene products, medications, footwear and clothing, religious publications, caskets and burial vaults, USA and Commonwealth flags, and textbooks.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

None.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2281 Session of
2026

INTRODUCED BY BRIGGS, SHUSTERMAN, HILL-EVANS, SANCHEZ, KINKEAD,
WEBSTER, RIVERA, McNEILL, D. WILLIAMS AND CEPEDA-FREYTIZ,
MARCH 11, 2026

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 12, 2026

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in juries and jurors,
3 further providing for qualifications of jurors.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 4502(a)(3) of Title 42 of the
7 Pennsylvania Consolidated Statutes is amended to read:

8 § 4502. Qualifications of jurors.

9 (a) General rule.--Every citizen of this Commonwealth who is
10 of the required minimum age for voting for State or local
11 officials and who resides in the county shall be qualified to
12 serve as a juror therein unless such citizen:

13 * * *

14 (3) [has been convicted of] is serving a sentence for a
15 crime punishable by imprisonment for more than one year [and
16 has not been granted a pardon or amnesty therefor].

17 * * *

18 Section 2. This act shall take effect in 60 days.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB2281 PN2987	Prepared By:	Michelle Batt, Esq. (717) 705-1880,6792
Committee:	Judiciary	Executive Director:	David Vitale, Esq.
Sponsor:	Briggs, Tim		
Date:	5/6/2026		

A. Brief Concept

Allows people with prior convictions to serve as jurors, while still prohibiting individuals currently serving a sentence from serving on a jury.

C. Analysis of the Bill

Allows people with prior convictions to serve as jurors, while still prohibiting individuals currently serving a sentence from serving on a jury. Currently people convicted of an offense punishable by more than one year imprisonment are NOT eligible to serve on a jury (criminal or civil case).

Effective Date:

60 Days.

G. Relevant Existing Laws

42 Pa.C.S. 4502, qualifications of jurors, provides:

(a) General rule. Every citizen of this Commonwealth who is of the required minimum age for voting for State or local officials and who resides in the county shall be qualified to serve as a juror therein unless such citizen:

- (1) is unable to read, write, speak and understand the English language;
- (2) is incapable, by reason of mental or physical infirmity, to render efficient jury service;

or

(3) has been convicted of a crime punishable by imprisonment for more than one year and has not been granted a pardon or amnesty therefor.

(b) Definition.--For purposes of this section, "convicted of a crime punishable by imprisonment for more than one year" does not include a conviction for any offense under or violation of the former act of May 1, 1929 (P.L.905, No.403), known as The Vehicle Code, or the former act of April 29, 1959 (P.L.58, No.32), known as The Vehicle Code, which offense or violation, if it had been committed after July 1, 1977: (1) would have been substantially similar to an offense currently graded as a summary offense under 75 Pa.C.S. (relating to vehicles); or (2) would not have been a violation of law.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

None.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2299 Session of
2026

INTRODUCED BY BIZZARRO, N. NELSON, WAXMAN, HILL-EVANS, GUENST,
CONKLIN, GOUGHNOUR, CEPEDA-FREYTIZ, PIELLI, HADDOCK AND
GUZMAN, MARCH 18, 2026

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 18, 2026

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in wiretapping and electronic surveillance, further
4 providing for definitions; and, in recordings by law
5 enforcement officers, further providing for definitions.

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

8 Section 1. The definition of "oral communication" in section
9 5702 of Title 18 of the Pennsylvania Consolidated Statutes,
10 amended November 24, 2025 (P.L.326, No.53), is amended to read:
11 § 5702. Definitions.

12 As used in this chapter, the following words and phrases
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 * * *

16 "Oral communication." Any oral communication uttered by a
17 person possessing an expectation that such communication is not
18 subject to interception under circumstances justifying such
19 expectation. The term does not include the following:

1 (1) An electronic communication.

2 (2) A communication made in the presence of a law
3 enforcement officer on official duty who is in uniform or
4 otherwise clearly identifiable as a law enforcement officer
5 and who is using an electronic, mechanical or other device
6 which has been approved under section 5706(b)(4) (relating to
7 exceptions to prohibitions in possession, sale, distribution,
8 manufacture or advertisement of electronic, mechanical or
9 other devices) to intercept the communication in the course
10 of law enforcement duties. As used in this paragraph only,
11 "law enforcement officer" means any of the following:

12 (i) A member of the Pennsylvania State Police.

13 (ii) An individual employed as a police officer who
14 holds a current certificate under 53 Pa.C.S. Ch. 21
15 Subch. D (relating to municipal police education and
16 training).

17 (iii) An agent of the Office of Attorney General as
18 described under paragraph (2) of the definition of
19 "enforcement officer" in 71 Pa.C.S. § 5102 (relating to
20 definitions).

21 (iv) A sheriff or a deputy sheriff.

22 (v) Waterways conservation officers or deputy
23 waterways conservation officers as the terms are defined
24 under 30 Pa.C.S. § 102 (relating to definitions).

25 (vi) An officer as defined under 34 Pa.C.S. § 102
26 (relating to definitions).

27 (vii) An individual employed by the Department of
28 Conservation and Natural Resources who is vested with
29 powers of arrest under section 302(c) or 303(a)(7) of the
30 act of June 28, 1995 (P.L.89, No.18), known as the

1 Conservation and Natural Resources Act.

2 (viii) An agent as defined in 61 Pa.C.S. § 6101
3 (relating to definitions).

4 (ix) An individual employed by the Department of
5 Corrections Bureau of Investigations and Intelligence
6 holding a police officer commission under the act of May
7 21, 1943 (P.L.469, No.210), entitled "An act providing
8 for commissioning as police officers certain employes of
9 institutions maintained in whole or in part by the
10 Commonwealth; conferring upon them the powers of
11 constables in certain cases; and imposing duties on
12 wardens and keepers of jails, police stations and lock-
13 ups," provided that the individual is not intercepting
14 the communication from inside the residence of an
15 employee of the Department of Corrections without the
16 consent of the employee or prior court approval.

17 (x) An officer as defined under 42 Pa.C.S. § 9911
18 (relating to definitions).

19 * * *

20 Section 2. The definition of "law enforcement officer" in
21 section 67A01 of Title 42 is amended by adding a paragraph to
22 read:

23 § 67A01. Definitions.

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

27 * * *

28 "Law enforcement officer." Any of the following:

29 * * *

30 (10) An officer as defined under section 9911 (relating

1 to definitions).

2 * * *

3 Section 3. This act shall take effect in 60 days.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB2299 PN3019	Prepared By:	David Vitale, Esq. (717) 705-7011
Committee:	Judiciary	Executive Director:	David Vitale, Esq.
Sponsor:	Bizzarro, Ryan		
Date:	5/6/2026		

A. Brief Concept

Authorizes county probation or parole officers use of body cameras.

C. Analysis of the Bill

Amends Wiretapping and Electronic Surveillance Control Act definition of "law enforcement officer" in 18 Pa.C.S. § 5702 paragraph (2) of the definition of "oral communication," to include "[a] probation or parole officer appointed or employed by any court or by any county department of probation and parole to supervise persons released on county probation or parole." See, 42 Pa.C.S. § 9911.

This bill adds county probation officers to the list that currently includes:

- Pennsylvania State Police,
- Municipal police officers,
- Agents of the office of attorney general (specifically, special agents, narcotics agents, asset forfeiture agents, and Medicaid fraud agents),
- Sheriff or deputy sheriffs,
- Waterways conservation officers and deputy waterways conservation officers,
- Game commission officer or deputy game commission officer,
- DCNR officers and rangers with powers of arrests,
- State parole agents,
- DOC Bureau of Intelligence Officers.

Effective Date:

60 Days.

G. Relevant Existing Laws

42 Pa.C.S. § 9911 (Definitions) "Officer." A probation or parole officer appointed or employed by any court or by any county department of probation and parole to supervise persons released on county probation or parole.

18 Pa.C.S. § 5702.

"Oral communication." Any oral communication uttered by a person possessing an expectation that such communication is not subject to interception under circumstances justifying such expectation. The term does not include the following:

(1) An electronic communication.

(2) A communication made in the presence of a law enforcement officer on official duty who is in uniform or otherwise clearly identifiable as a law enforcement officer and who is using an electronic, mechanical or other device which has been approved under section 5706(b)(4) (relating to exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices) to intercept the communication in the course of law enforcement duties. As used in this paragraph only, "law enforcement officer" means any of the following:

(i) A member of the Pennsylvania State Police.

- (ii) An individual employed as a police officer who holds a current certificate under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).
- (iii) An agent of the Office of Attorney General as described under paragraph (2) of the definition of "enforcement officer" in 71 Pa.C.S. § 5102 (relating to definitions).
- (iv) A sheriff or a deputy sheriff.
- (v) Waterways conservation officers or deputy waterways conservation officers as the terms are defined under 30 Pa.C.S. § 102 (relating to definitions).
- (vi) An officer as defined under 34 Pa.C.S. § 102 (relating to definitions).
- (vii) An individual employed by the Department of Conservation and Natural Resources who is vested with powers of arrest under section 302(c) or 303(a)(7) of the act of June 28, 1995 (P.L.89, No.18), known as the Conservation and Natural Resources Act.
- (viii) An agent as defined in 61 Pa.C.S. § 6101 (relating to definitions).
- (ix) An individual employed by the Department of Corrections Bureau of Investigations and Intelligence holding a police officer commission under the act of May 21, 1943 (P.L.469, No.210), entitled "An act providing for commissioning as police officers certain employes of institutions maintained in whole or in part by the Commonwealth; conferring upon them the powers of constables in certain cases; and imposing duties on wardens and keepers of jails, police stations and lock-ups," provided that the individual is not intercepting the communication from inside the residence of an employee of the Department of Corrections without the consent of the employee or prior court approval.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

Last session, Act 53 of 2023 (HB 1278) authorized state parole agents to wear body cameras.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2392 Session of
2026

INTRODUCED BY BENNINGHOFF, ARMANINI, COOK, FEE, FLICK, HANBIDGE,
HARKINS, HOHENSTEIN, KULIK, KUZMA, LEADBETER, McNEILL,
MERSKI, NEILSON, OLSOMMER, PICKETT, SMITH AND STENDER,
APRIL 15, 2026

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 16, 2026

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, in operation of boats, further providing for the
3 offense of operating watercraft under influence of alcohol or
4 controlled substance.

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

7 Section 1. Section 5502(a.5) introductory paragraph, (c) and
8 (c.1)(1)(ii) and (iii), (2)(ii), (iii) and (iv), (3)
9 introductory paragraph, (ii) and (iii) and (5)(ii) introductory
10 paragraph and (iii) of Title 30 of the Pennsylvania Consolidated
11 Statutes are amended and the section is amended by adding a
12 subsection to read:

13 § 5502. Operating watercraft under influence of alcohol or
14 controlled substance.

15 * * *

16 (a.5) Boating under the influence of alcohol or controlled
17 substance following diversion.--

18 (1) An individual may not operate or be in actual

1 physical control of the movement of a watercraft in violation
2 of subsection (a), (a.1), (a.2), (a.3) or (a.4) within 10
3 years after completing an Accelerated Rehabilitative
4 Disposition program or a pretrial diversion program
5 substantially similar to Accelerated Rehabilitative
6 Disposition in another jurisdiction for an offense under this
7 section or a substantially similar offense in another
8 jurisdiction.

9 (2) Any of the following shall constitute sufficient
10 proof that the defendant has, within the last 10 years,
11 completed an Accelerated Rehabilitative Disposition program
12 or a pretrial diversion program substantially similar to
13 Accelerated Rehabilitative Disposition in another
14 jurisdiction for an offense under this section or a
15 substantially similar offense in another jurisdiction:

16 (i) a certified record of the commission;

17 (ii) a record maintained by the clerk of courts; or

18 (iii) a substantially similar record from another
19 jurisdiction.

20 (3) Nothing in this section shall be construed as
21 limiting the introduction of any other competent evidence
22 bearing upon the question of whether the defendant has,
23 within the last 10 years, completed an Accelerated
24 Rehabilitative Disposition program or a pretrial diversion
25 program substantially similar to Accelerated Rehabilitative
26 Disposition in another jurisdiction for an offense under this
27 section or a substantially similar offense in another
28 jurisdiction.

29 [(a.5)] (a.6) Exception to two-hour rule.--Notwithstanding
30 the provisions of subsection (a), (a.1), (a.2) [or], (a.4) or

1 (a.5) where alcohol or controlled substance concentration in an
2 individual's blood or breath is an element of the offense,
3 evidence of such alcohol or controlled substance concentration
4 more than two hours after the individual has operated or been in
5 actual physical control of the movement of the watercraft is
6 sufficient to establish that element of the offense under the
7 following circumstances:

8 * * *

9 (c) Grading.--

10 (1) [Notwithstanding the provisions of paragraph (2)]
11 Except as provided in paragraphs (2) and (3):

12 (i) An individual who violates subsection (a) and
13 who has no more than one prior offense commits a
14 misdemeanor for which the individual may be sentenced to
15 a term of imprisonment for not more than six months and
16 to pay a fine under subsection (c.1).

17 (ii) An individual who violates subsection (a) and
18 who has [more than one prior offense] two prior offenses
19 or has one prior offense under subsection (a.5) commits a
20 misdemeanor of the second degree.

21 (iii) An individual who violates this section and
22 has three or more prior offenses or has previously been
23 convicted of a violation of section 5502.1 (relating to
24 homicide by watercraft while operating under influence)
25 commits a felony of the third degree.

26 (iv) An individual who violates subsection (a),
27 (a.1) or (a.4) and has two prior offenses, one of which
28 includes a violation of subsection (a.5), commits a
29 felony of the third degree.

30 (2) (i) An individual who violates subsection (a) (1)

1 where there was an accident resulting in bodily injury,
2 serious bodily injury or death of any individual or in
3 damage to a watercraft or other property and who has no
4 more than one prior offense commits a misdemeanor for
5 which the individual may be sentenced to a term of
6 imprisonment for not more than six months and to pay a
7 fine under subsection (c.1).

8 (ii) An individual who violates subsection (a.1) or
9 (a.4) and who has no more than one prior offense commits
10 a misdemeanor for which the individual may be sentenced
11 to a term of imprisonment for not more than six months
12 and to pay a fine under subsection (c.1).

13 (iii) An individual who violates subsection (a)(1)
14 where the individual refused testing of [blood or] breath
15 under section 5125 (relating to chemical testing to
16 determine amount of alcohol or controlled substance) or
17 chemical testing of blood pursuant to a valid search
18 warrant and who has no prior offenses commits a
19 misdemeanor for which the individual may be sentenced to
20 a term of imprisonment for not more than six months and
21 to pay a fine under subsection (c.1).

22 (iv) An individual who violates subsection (a.2) or
23 (a.3) and who has no prior offenses commits a misdemeanor
24 for which the individual may be sentenced to a term of
25 imprisonment for not more than six months and to pay a
26 fine under subsection (c.1).

27 (v) An individual who violates subsection (a)(1)
28 where there was an accident resulting in bodily injury,
29 serious bodily injury or death of any individual or in
30 damage to a watercraft or other property and who has

1 [more than one prior offense] two prior offenses or has
2 one prior offense under subsection (a.5) commits a
3 misdemeanor of the first degree.

4 (vi) An individual who violates subsection (a.1) or
5 (a.4) and who has [more than one prior offense] two prior
6 offenses commits a misdemeanor of the first degree.

7 (vii) An individual who violates subsection (a)(1)
8 where the individual refused testing of [blood or] breath
9 [and who has one or more prior offenses commits a
10 misdemeanor of the first degree.] under section 5125 or
11 chemical testing of blood pursuant to a valid search
12 warrant or who violates subsection (a.2) or (a.3)
13 commits:

14 (A) A misdemeanor of the first degree if the
15 individual has one prior offense.

16 (B) A felony of the third degree if the
17 individual has two prior offenses.

18 (C) A felony of the third degree if the
19 individual has one prior offense under subsection
20 (a.5).

21 (D) A felony of the second degree if the
22 individual has three or more prior offenses.

23 (E) A felony of the second degree if the
24 individual has two prior offenses, one of which
25 includes a violation of subsection (a.5).

26 [(viii) An individual who violates subsection (a.2)
27 or (a.3) and who has one or more prior offenses commits a
28 misdemeanor of the first degree.]

29 (ix) An individual who violates this section when a
30 minor under 18 years of age was a passenger in the

1 watercraft when the violation occurred commits [a
2 misdemeanor of the first degree.]:

3 (A) A misdemeanor of the first degree if the
4 individual has no more than one prior offense.

5 (B) A felony of the third degree if the
6 individual has two or more prior offenses or has one
7 prior offense under subsection (a.5).

8 (3) (i) An individual who violates subsection (a.5)
9 where the underlying offense is a violation of subsection
10 (a), (a.1) or (a.4), commits a misdemeanor for which the
11 individual may be sentenced to a term of imprisonment of
12 not more than six months and to pay a fine under
13 subsection (c.1).

14 (ii) An individual who violates subsection (a.5)
15 where the underlying offense is a violation of subsection
16 (a.2) or (a.3) commits a misdemeanor of the first degree.

17 (c.1) Penalties.--

18 (1) Except as set forth in paragraph (2), (3), (4) or
19 (5), an individual who violates subsection (a) shall be
20 sentenced as follows:

21 * * *

22 (ii) For a second offense or a first offense for a
23 violation of subsection (a.5), to undergo imprisonment
24 for not less than five days and to pay a fine of not less
25 than \$300 nor more than \$2,500 and successfully complete
26 an approved boating safety course.

27 (iii) For a third or subsequent offense or a second
28 or subsequent offense following a conviction for
29 violating subsection (a.5), to undergo imprisonment for
30 not less than ten days and to pay a fine of not less than

1 \$500 nor more than \$5,000 and successfully complete an
2 approved boating safety course.

3 (2) Except as set forth in paragraph (3) or (4), an
4 individual who violates subsection (a)(1) where there was an
5 accident resulting in bodily injury, serious bodily injury or
6 death of any individual or damage to a watercraft or other
7 property or who violates subsection (a.1) or (a.4) shall be
8 sentenced as follows:

9 * * *

10 (ii) For a second offense or a first offense for a
11 violation of subsection (a.5), to undergo imprisonment
12 for not less than 30 days and to pay a fine of not less
13 than \$750 nor more than \$5,000 and successfully complete
14 an approved boating safety course.

15 (iii) For a third offense or a second or subsequent
16 offense following a conviction for violating subsection
17 (a.5), to undergo imprisonment for not less than 90 days
18 and to pay a fine of not less than \$1,500 nor more than
19 \$10,000 and successfully complete an approved boating
20 safety course.

21 (iv) For a fourth or subsequent offense or a third
22 or subsequent offense following a conviction for
23 violating subsection (a.5), to undergo imprisonment for
24 not less than one year and to pay a fine of not less than
25 \$1,500 nor more than \$10,000 and successfully complete an
26 approved boating safety course.

27 (3) Except as set forth in paragraph (4), an individual
28 who violates subsection (a)(1) and refused testing of [blood
29 or] breath under section 5125 or chemical testing of blood
30 pursuant to a valid search warrant or an individual who

1 violates subsection (a.2) or (a.3) shall be sentenced as
2 follows:

3 * * *

4 (ii) For a second offense or a first offense for a
5 violation of subsection (a.5), to undergo imprisonment
6 for not less than 90 days and to pay a fine of not less
7 than \$1,500 and successfully complete an approved boating
8 safety course.

9 (iii) For a third or subsequent offense or a second
10 or subsequent offense following a conviction for
11 violating subsection (a.5), to undergo imprisonment for
12 not less than one year and to pay a fine of not less than
13 \$2,500 and successfully complete an approved boating
14 safety course.

15 * * *

16 (5) An individual who violates this section when a minor
17 under 18 years of age was a passenger in the watercraft when
18 the violation occurred, in addition to any penalty imposed
19 under this section, shall be sentenced as follows:

20 * * *

21 (ii) For a second offense or a first offense for a
22 violation of subsection (a.5):

23 * * *

24 (iii) For a third or subsequent offense or a second
25 or subsequent offense following a conviction for
26 violating subsection (a.5), undergo imprisonment for not
27 less than six months nor more than two years.

28 * * *

29 Section 2. This act shall take effect in 60 days.

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 2392

Sponsor: Hohenstein

Printer's No. 3212

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 "(Fish)"

5 , 42 (Judiciary and Judicial Procedure) and 75 (Vehicles)

6 Amend Bill, page 1, line 4, by striking out the period after

7 "substance" and inserting

8 ; in sentencing, further providing for conditions of probation;

9 and, in driving after imbibing alcohol or utilizing drugs,

10 further providing for grading and for penalties.

11 Amend Bill, page 1, lines 7 through 12, by striking out all

12 of said lines and inserting

13 Section 1. Section 5502(a.5) introductory paragraph, (c),

14 (c.1)(1)(ii) and (iii), (2)(ii), (iii) and (iv), (3)

15 introductory paragraph, (ii) and (iii) and (5)(ii) introductory

16 paragraph and (iii), (d) and (n) of Title 30 of the Pennsylvania

17 Consolidated Statutes are amended and the section is amended by

18 adding subsections to read:

19 Amend Bill, page 6, line 23, by inserting after "(a.5)"

20 with an underlying violation of an offense

21 enumerated in this subsection

22 Amend Bill, page 6, line 29, by inserting after "(a.5)"

23 with an underlying violation of an offense

24 enumerated in this subsection

25 Amend Bill, page 7, line 11, by inserting after "(a.5)"

26 with an underlying violation of an offense

27 enumerated in this subsection

28 Amend Bill, page 7, line 17, by inserting after "(a.5)"

1 with an underlying violation of an offense
2 enumerated in this subsection

3 Amend Bill, page 7, line 23, by inserting after "(a.5)"

4 with an underlying violation of an offense
5 enumerated in this subsection

6 Amend Bill, page 8, line 5, by inserting after "(a.5)"

7 with an underlying violation of an offense
8 enumerated in this subsection

9 Amend Bill, page 8, line 11, by inserting after "(a.5)"

10 with an underlying violation of an offense
11 enumerated in this subsection

12 Amend Bill, page 8, line 22, by inserting after "(a.5)"

13 with an underlying violation of an offense
14 enumerated in this subsection

15 Amend Bill, page 8, line 26, by inserting after "(a.5)"

16 with an underlying violation of an offense
17 enumerated in this subsection

18 Amend Bill, page 8, line 28, by striking out all of said line
19 and inserting

20 (d) [Subsequent conviction.--Acceptance of Accelerated
21 Rehabilitative Disposition, an adjudication of delinquency or a
22 consent decree under 42 Pa.C.S. Ch. 63 or any other form of
23 preliminary disposition of any charge brought under this section
24 or a conviction or guilty plea under 75 Pa.C.S. § 3802 shall be
25 considered a first conviction for the purpose of computing
26 whether a subsequent conviction of a violation of this section
27 shall be considered a second, third or subsequent conviction.]
28 Prior offenses.--The following shall apply to prior offenses:

29 (1) For the purposes of subsections (c) and (c.1), the
30 prior offense must have occurred in one of the following:

31 (i) Within 10 years prior to the date of the offense
32 for which the defendant is being sentenced.

33 (ii) On or after the date of the offense for which
34 the defendant is being sentenced.

35 (2) The court shall calculate the number of prior
36 offenses, if any, at the time of sentencing.

37 (3) If the defendant is sentenced for two or more
38 offenses in the same day, the offenses shall be considered
39 prior offenses within the meaning of this subsection.

40 (4) If the completion date of the Accelerated
41 Rehabilitative Disposition program or a pretrial diversion
42 program substantially similar to Accelerated Rehabilitative
43 Disposition in another jurisdiction for an offense under this

1 section or a substantially similar offense in another
2 jurisdiction is more than 10 years prior to the date of the
3 offense for which the defendant is being sentenced, a prior
4 conviction for a violation of subsection (a.5) shall be
5 treated as a prior offense for the violation of subsection
6 (a), (a.1), (a.2), (a.3) or (a.4).

7 * * *

8 (h.1) Accelerated Rehabilitative Disposition.--

9 (1) Before a defendant may accept Accelerated
10 Rehabilitative Disposition for a charge brought under this
11 section, the court shall conduct an inquiry on the record to
12 ensure that the defendant's acceptance into Accelerated
13 Rehabilitative Disposition and waiver of applicable
14 constitutional rights is made knowingly, voluntarily and
15 intelligently.

16 (2) If a defendant fails to complete an Accelerated
17 Rehabilitative Disposition or other form of preliminary
18 disposition and is brought to trial for the charged offense,
19 any waiver or acknowledgment offered or required under this
20 section shall be of no effect and shall not be used against
21 the defendant. No statement presented by the defendant shall
22 be used against the defendant for any purpose in a criminal
23 proceeding except a prosecution based on the falsity of the
24 information or statement supplied.

25 (h.2) Record retention.--

26 (1) Upon a defendant's successful completion of the
27 program provided for in this section, the court shall issue
28 an order evidencing the completion of the program.

29 (2) Notwithstanding any order of expungement, the clerk
30 of courts shall retain a certified copy of the court order
31 evidencing a defendant has successfully completed the program
32 provided for in this section in accordance with 18 Pa.C.S. §
33 9122(c) (relating to expungement). The following shall apply:

34 (i) The order shall be maintained for 12 years
35 following the date of the entry of the order.

36 (ii) The order shall not be subject to public
37 inspection or duplication and shall be used solely for
38 the purpose of future prosecutions under subsection
39 (a.5).

40 (iii) A clerk of courts shall provide a certified
41 copy of the order to any prosecuting attorney, court or
42 law enforcement agency upon request.

43 (3) Immediately following the expiration of 12 years
44 following the entry of the order evidencing completion of the
45 program, the clerk of courts shall expunge the record of the
46 completion of Accelerated Rehabilitative Disposition. The
47 clerk of courts shall not require an order of court to
48 expunge the record.

49 * * *

50 (n) Definitions.--As used in this section, the following
51 words and phrases shall have the meanings given to them in this

1 subsection:

2 "Adult." An individual 21 years of age or older.

3 "Minor." An individual under 21 years of age.

4 "Prior offense." Except as provided under subsection (b), a
5 conviction that has been imposed, adjudicated or otherwise
6 preliminarily disposed before sentencing for a violation of any
7 of the following:

8 (1) An offense under subsection (a), (a.1), (a.2),
9 (a.3), (a.4) or (a.5).

10 (2) An offense under 75 Pa.C.S. § 3802.

11 (3) An offense substantially similar to an offense under
12 paragraph (1) or (2) in another jurisdiction.

13 (4) A combination of the offenses specified in paragraph
14 (1), (2) or (3).

15 Section 2. Section 9763 of Title 42 is amended by adding a
16 subsection to read:

17 § 9763. Conditions of probation.

18 * * *

19 (e) Restrictive probation conditions.--A person who receives
20 a penalty imposed under 30 Pa.C.S. § 5502(c.1) (relating to
21 operating watercraft under influence of alcohol or controlled
22 substance) for a first, second or third offense shall have
23 restrictive probation conditions, including:

24 (1) House arrest with electronic surveillance.

25 (2) Partial confinement programs, including work
26 release, work camps or halfway facilities.

27 (3) A combination of paragraphs (1) and (2).

28 Section 3. Sections 3803(c)(2) and 3804(a)(2) introductory
29 paragraph, (b)(2) introductory paragraph and (c)(2) introductory
30 paragraph of Title 75, amended December 22, 2025 (P.L.363,
31 No.58), are amended to read:

32 § 3803. Grading.

33 * * *

34 (c) Offenses following diversion.--

35 * * *

36 (2) An individual who violates section 3802(h)(1) where
37 the underlying offense is a violation of section 3802(a)(1),
38 where the individual refused testing of breath or chemical
39 testing under a valid search warrant, court order or other
40 basis permissible by the Constitution of the United States
41 and the Constitution of Pennsylvania, or section 3802(c) or
42 (d), commits a misdemeanor of the first degree.

43 § 3804. Penalties.

44 (a) General impairment.--Except as set forth in subsection
45 (b) or (c), an individual who violates section 3802(a) (relating
46 to driving under influence of alcohol or controlled substance)
47 shall be sentenced as follows:

48 * * *

49 (2) For a second offense or a first offense for a
50 violation of section 3802(h)(1) with an underlying violation
51 of an offense enumerated in this subsection, to:

1 * * *

2 (b) High rate of blood alcohol; minors; commercial vehicles
3 and school buses and school vehicles; accidents.--Except as set
4 forth in subsection (c), an individual who violates section
5 3802(a) (1) where there was an accident resulting in bodily
6 injury, serious bodily injury or death of any person or damage
7 to a vehicle or other property or who violates section 3802(b),
8 (e) or (f) shall be sentenced as follows:

9 * * *

10 (2) For a second offense or a first offense for a
11 violation of section 3802(h) (1) with an underlying violation
12 of an offense enumerated in this subsection, to:

13 * * *

14 (c) Incapacity; highest blood alcohol; controlled
15 substances.--An individual who violates section 3802(a) (1) and
16 refused testing of breath under section 1547 (relating to
17 chemical testing to determine amount of alcohol or controlled
18 substance) or testing of blood pursuant to a valid search
19 warrant or an individual who violates section 3802(c) or (d)
20 shall be sentenced as follows:

21 * * *

22 (2) For a second offense or a first offense for a
23 violation of section 3802(h) (1) with an underlying violation
24 of an offense enumerated in this subsection, to:

25 * * *

26 Amend Bill, page 8, line 29, by striking out "2" and
27 inserting

28 4

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB2392 PN3212	Prepared By:	Michelle Batt, Esq. (717) 705-1880
Committee:	Judiciary	Executive Director:	David Vitale, Esq.
Sponsor:	Benninghoff, Kerry		
Date:	4/17/2026		

A. Brief Concept

Amends the operating watercraft under the influence statute to address recent Supreme Court cases and include felony grading.

C. Analysis of the Bill

Amends Title 30 Section 5502 (Operating watercraft under influence of alcohol or controlled substance) to:

- create the offense of "Boating under the influence of alcohol or controlled substance following diversion" similar to Title 75 Pa.C.S. Section 3802(h) created by Act 58 of 2025.
- introduce felony grading for third and subsequent offenses.
- amend refusal provisions to require a valid search warrant.

Effective Date:

60 Days.

G. Relevant Existing Laws

30 Pa.C.S. § 5502. Operating watercraft under influence of alcohol or controlled substance.

(a) General impairment.--

(1) An individual may not operate or be in actual physical control of the movement of a watercraft after imbibing a sufficient amount of alcohol such that the individual is rendered incapable of safely operating or being in actual physical control of the movement of the watercraft.

(2) An individual may not operate or be in actual physical control of the movement of a watercraft after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is at least 0.08% but less than 0.10% within two hours after the individual has operated or been in actual physical control of the movement of the watercraft.

(a.1) High rate of alcohol.--An individual may not operate or be in actual physical control of the movement of a watercraft after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is at least 0.10% but less than 0.16% within two hours after the individual has operated or been in actual physical control of the movement of the watercraft.

(a.2) Highest rate of alcohol.--An individual may not operate or be in actual physical control of the movement of a watercraft after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is 0.16% or higher within two hours

after the individual has operated or been in actual physical control of the movement of the watercraft.

(a.3) Controlled substances.--An individual may not operate or be in actual physical control of the movement of a watercraft under any of the following circumstances:

- (1) There is in the individual's blood any amount of a:
 - (i) Schedule I controlled substance, as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act;
 - (ii) Schedule II or III controlled substance, as defined in The Controlled Substance, Drug, Device and Cosmetic Act, which has not been medically prescribed for the individual; or
 - (iii) metabolite of a substance under subparagraph (i) or (ii).
- (2) The individual is under the influence of a drug or combination of drugs to a degree which impairs the individual's ability to safely operate or be in actual physical control of the movement of the watercraft.
- (3) The individual is under the combined influence of alcohol and a drug or combination of drugs to a degree which impairs the individual's ability to safely operate or be in actual physical control of the movement of the watercraft.
- (4) The individual is under the influence of a solvent or noxious substance in violation of 18 Pa.C.S. § 7303 (relating to sale or illegal use of certain solvents and noxious substances).

(a.4) Minors.--A minor may not operate or be in actual physical control of the movement of a watercraft after imbibing a sufficient amount of alcohol such that the alcohol concentration in the minor's blood or breath is 0.02% or higher within two hours after the minor has operated or been in actual physical control of the movement of the watercraft.

(a.5) Exception to two-hour rule.--Notwithstanding the provisions of subsection (a), (a.1), (a.2) or (a.4) where alcohol or controlled substance concentration in an individual's blood or breath is an element of the offense, evidence of such alcohol or controlled substance concentration more than two hours after the individual has operated or been in actual physical control of the movement of the watercraft is sufficient to establish that element of the offense under the following circumstances:

- (1) where the Commonwealth shows good cause explaining why the chemical test sample could not be obtained within two hours; and
- (2) where the Commonwealth establishes that the individual did not imbibe any alcohol or utilize a controlled substance between the time the individual was arrested and the time the sample was obtained.

(b) Authorized use not a defense.--The fact that any individual charged with violating this section is or has been legally entitled to use alcohol or controlled substances is not a defense to a charge of violating this section.

(b.1) Certain arrests authorized.--In addition to any other powers of arrest, an officer authorized to enforce this title is hereby authorized to arrest without a warrant any individual who the officer has probable cause to believe has violated the provisions of this section, regardless of whether the alleged violation was committed in the presence of such officer. This authority to arrest extends to any hospital or other medical treatment facility located beyond the territorial limits of the officer's political subdivision where the individual to be arrested is found or was taken for purposes of emergency treatment, examination or evaluation, provided

there is probable cause to believe that the violation of this section occurred within the police officer's political subdivision.

(b.2) Certain disposition prohibited.--The attorney for the Commonwealth shall not submit a charge brought under this section for Accelerated Rehabilitative Disposition if:

(1) The defendant has been found guilty of or accepted Accelerated Rehabilitative Disposition of a charge brought under this section or 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) within 10 years of the date of the current offense unless the charge was for an ungraded misdemeanor under 75 Pa.C.S. § 3802(a)(2) and was the defendant's first offense under this section or 75 Pa.C.S. § 3802.

(2) An accident occurred in connection with the events surrounding the current offense and any individual other than the defendant was killed or seriously injured as a result of the accident.

(3) There was a passenger under 14 years of age in the watercraft the defendant was operating.

(c) Grading.--

(1) Notwithstanding the provisions of paragraph (2):

(i) An individual who violates subsection (a) and who has no more than one prior offense commits a misdemeanor for which the individual may be sentenced to a term of imprisonment for not more than six months and to pay a fine under subsection (c.1).

(ii) An individual who violates subsection (a) and who has more than one prior offense commits a misdemeanor of the second degree.

(2) (i) An individual who violates subsection (a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any individual or in damage to a watercraft or other property and who has no more than one prior offense commits a misdemeanor for which the individual may be sentenced to a term of imprisonment for not more than six months and to pay a fine under subsection (c.1).

(ii) An individual who violates subsection (a.1) or (a.4) and who has no more than one prior offense commits a misdemeanor for which the individual may be sentenced to a term of imprisonment for not more than six months and to pay a fine under subsection (c.1).

(iii) An individual who violates subsection (a)(1) where the individual refused testing of blood or breath and who has no prior offenses commits a misdemeanor for which the individual may be sentenced to a term of imprisonment for not more than six months and to pay a fine under subsection (c.1).

(iv) An individual who violates subsection (a.2) or (a.3) and who has no prior offenses commits a misdemeanor for which the individual may be sentenced to a term of imprisonment for not more than six months and to pay a fine under subsection (c.1).

(v) An individual who violates subsection (a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any individual or in damage to a watercraft or other property and who has more than one prior offense commits a misdemeanor of the first degree.

(vi) An individual who violates subsection (a.1) or (a.4) and who has more than one prior offense commits a misdemeanor of the first degree.

(vii) An individual who violates subsection (a)(1) where the individual refused testing of blood or breath and who has one or more prior offenses commits a misdemeanor of the first degree.

(viii) An individual who violates subsection (a.2) or (a.3) and who has one or more prior offenses commits a misdemeanor of the first degree.

(ix) An individual who violates this section when a minor under 18 years of age was a passenger in the watercraft when the violation occurred commits a misdemeanor of the first degree.

(c.1) Penalties.--

(1) Except as set forth in paragraph (2), (3), (4) or (5), an individual who violates subsection (a) shall be sentenced as follows:

(i) For a first offense, to undergo a mandatory minimum term of six months' probation and to pay a fine of \$300 and successfully complete an approved boating safety course.

(ii) For a second offense, to undergo imprisonment for not less than five days and to pay a fine of not less than \$300 nor more than \$2,500 and successfully complete an approved boating safety course.

(iii) For a third or subsequent offense, to undergo imprisonment for not less than ten days and to pay a fine of not less than \$500 nor more than \$5,000 and successfully complete an approved boating safety course.

(2) Except as set forth in paragraph (3) or (4), an individual who violates subsection (a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any individual or damage to a watercraft or other property or who violates subsection (a.1) or (a.4) shall be sentenced as follows:

(i) For a first offense, to undergo imprisonment for not less than 48 consecutive hours and to pay a fine of not less than \$500 nor more than \$5,000 and successfully complete an approved boating safety course.

(ii) For a second offense, to undergo imprisonment for not less than 30 days and to pay a fine of not less than \$750 nor more than \$5,000 and successfully complete an approved boating safety course.

(iii) For a third offense, to undergo imprisonment for not less than 90 days and to pay a fine of not less than \$1,500 nor more than \$10,000 and successfully complete an approved boating safety course.

(iv) For a fourth or subsequent offense, to undergo imprisonment for not less than one year and to pay a fine of not less than \$1,500 nor more than \$10,000 and successfully complete an approved boating safety course.

(3) Except as set forth in paragraph (4), an individual who violates subsection (a)(1) and refused testing of blood or breath or an individual who violates subsection (a.2) or (a.3) shall be sentenced as follows:

(i) For a first offense, to undergo imprisonment for not less than 72 consecutive hours and to pay a fine of not less than \$1,000 nor more than \$5,000 and successfully complete an approved boating safety course.

(ii) For a second offense, to undergo imprisonment for not less than 90 days and to pay a fine of not less than \$1,500 and successfully complete an approved boating safety course.

(iii) For a third or subsequent offense, to undergo imprisonment for not less than one year and to pay a fine of not less than \$2,500 and successfully complete an approved boating safety course.

(4) Notwithstanding the provisions of this subsection relating to mandatory minimum sentences, if the court makes a finding that the county jail population exceeds its capacity, the court may allow an individual who violated this section and is serving a mandatory minimum term of imprisonment to be released on parole to serve some or all of the individual's term of imprisonment on house arrest with electronic surveillance. This shall not apply to an individual who violates subsection (a)(1) where there was an accident resulting in serious bodily injury or the death of any individual.

(5) An individual who violates this section when a minor under 18 years of age was a passenger in the watercraft when the violation occurred, in addition to any penalty imposed under this section, shall be sentenced as follows:

(i) For the first offense:

(A) Pay a fine of not less than \$1,000.

(B) Complete 100 hours of community service.

(ii) For a second offense:

(A) Pay a fine of not less than \$2,500.

(B) Undergo imprisonment for not less than one month nor more than six months.

(iii) For a third or subsequent offense, undergo imprisonment for not less than six months nor more than two years.

(d) Subsequent conviction.--Acceptance of Accelerated Rehabilitative Disposition, an adjudication of delinquency or a consent decree under 42 Pa.C.S. Ch. 63 or any other form of preliminary disposition of any charge brought under this section or a conviction or guilty plea under 75 Pa.C.S. § 3802 shall be considered a first conviction for the purpose of computing whether a subsequent conviction of a violation of this section shall be considered a second, third or subsequent conviction.

(e) Sentencing guidelines.--The sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory penalties of this section.

(f) Direct appeal.--The Commonwealth has the right to appeal directly to the Superior Court any order of court which imposes a sentence for violation of this section which does not meet the requirements of this section. The Superior Court shall remand the case to the sentencing court for imposition of a sentence in accordance with the provisions of this section.

(g) City of first class.--Notwithstanding the provision for direct appeal to the Superior Court, if, in a city of the first class, an individual appeals from a judgment of sentence under this section from the municipal court to the common pleas court for a trial de novo, the Commonwealth

shall have the right to appeal directly to the Superior Court from the order of the common pleas court if the sentence imposed is in violation of this section. If, in a city of the first class, an individual appeals to the court of common pleas after conviction of a violation of this section in the municipal court and thereafter withdraws his appeal to the common pleas court, thereby reinstating the judgment of sentence of the municipal court, the Commonwealth shall have 30 days from the date of the withdrawal to appeal to the Superior Court if the sentence is in violation of this section.

(h) Acceptance of ARD.--Any person who accepts Accelerated Rehabilitative Disposition of any charge brought under this section shall accept as conditions the imposition of, and the judge shall impose in addition to any other condition, all of the following:

- (1) A mandatory suspension of watercraft operating privileges for a period of not less than six months but not more than 12 months.
- (2) A condition that the defendant, as a condition to entering the program, make restitution to any person who incurred determinable financial loss as a result of the defendant's actions which resulted in a charge of violating this section.
- (3) A condition that the defendant, as a condition to entering the program, attend and successfully complete at his own expense a commission-approved boating safety course.
- (4) Court supervision for a period of not less than six months. In cases where the defendant is required to make restitution or submit to counseling or treatment, the court supervision shall be for a period of not less than 12 months or until the treatment or counseling is completed and the restitution is paid in full, whichever is longer.

(i) Preliminary disposition revoked.--Accelerated Rehabilitative Disposition or other preliminary disposition of any charge of violating this section may be revoked and the court shall direct the attorney for the Commonwealth to proceed on the charges as prescribed in general rules if any of the following circumstances occur:

- (1) The defendant is charged with or commits an offense which violates the provisions of this section, any crime enumerated in 18 Pa.C.S. (relating to crimes and offenses) or any crime enumerated in 75 Pa.C.S. § 1542 (relating to revocation of habitual offender's license) within the probationary period.
- (2) The defendant fails to make restitution as provided for in this section.
- (3) The defendant fails to successfully complete the boating safety course.
- (4) The defendant fails to successfully complete any program of counseling or treatment, or both, required as a condition of Accelerated Rehabilitative Disposition.
- (5) The defendant violates the terms and conditions of Accelerated Rehabilitative Disposition in any other way.

(j) Litter collection program.--In addition to the conditions set forth under subsection (i) for Accelerated Rehabilitative Disposition of any charge brought under this section, the judge may impose and the individual shall accept the condition that the individual engage in a program of collecting litter from public and private property along Commonwealth waterways, especially property which is littered with alcoholic beverage containers. The duration of the individual's participation in a litter collection program shall not exceed the duration of the probationary period imposed on the individual under Accelerated Rehabilitative Disposition.

(k) Fees to be paid into Boat Fund.--With the exception of court costs, program costs for counseling, treatment or a boating safety course or any restitution referred to in this section, any fee or financial condition imposed by a judge as a condition of Accelerated Rehabilitative

Disposition or any other preliminary disposition of any charge under this section shall be paid into the Boat Fund under section 531 (relating to establishment and use of Boat Fund).

(l) Preliminary hearing or arraignment.--The presiding judicial officer at the preliminary hearing or preliminary arraignment relating to any charge of a violation of this section shall not reduce or modify the original charges.

(m) Work release.--In any case in which an individual is sentenced to a period of imprisonment as a result of a conviction for violating any provision of this section, the judicial officer imposing that sentence shall consider assigning that individual to a daytime work release program pursuant to which the individual would be required to collect litter from public and private property, especially property which is littered with alcoholic beverage containers.

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

"Adult." An individual 21 years of age or older.

"Minor." An individual under 21 years of age.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

None.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 519 Session of
2026

INTRODUCED BY BONNER, BRIGGS, MAYES, POWELL, PICKETT, SANCHEZ,
PASHINSKI, D. WILLIAMS AND CIRESI, MAY 6, 2026

REFERRED TO COMMITTEE ON JUDICIARY, MAY 7, 2026

A RESOLUTION

1 Directing the Pennsylvania Commission on Sentencing to conduct a
2 study of bail and pretrial release practices and to issue
3 recommendations to the House of Representatives regarding the
4 setting of bail and pretrial release conditions.

5 WHEREAS, Sections 13 and 14 of Article I of the Constitution
6 of Pennsylvania establish general parameters for the right to
7 bail for individuals accused of committing criminal acts; and

8 WHEREAS, In accordance with authorization specified in
9 section 5702 of Title 42 of the Pennsylvania Consolidated
10 Statutes, the Supreme Court of Pennsylvania has adopted Rules of
11 Criminal Procedure governing the setting of bail for individuals
12 accused of violating the criminal laws of this Commonwealth; and

13 WHEREAS, The Pennsylvania Commission on Sentencing is
14 authorized to establish guidelines for restrictive conditions,
15 fines, resentencing, parole and recommitment after revocation of
16 parole; and

17 WHEREAS, To date, the Pennsylvania Commission on Sentencing
18 has not conducted a study of bail or pretrial release
19 conditions; and

1 WHEREAS, Section 2153(a)(16)(v) of Title 42 of the
2 Pennsylvania Consolidated Statutes authorizes the Pennsylvania
3 Commission on Sentencing to report to the General Assembly on
4 the effectiveness and cost-benefit of various criminal justice
5 interventions and programs; and

6 WHEREAS, Bail practices across this Commonwealth vary
7 significantly, with materially different bail amounts imposed in
8 different jurisdictions for identical offenses and similarly
9 situated defendants; and

10 WHEREAS, A study of current bail practices and
11 recommendations to the House of Representatives for bail reform
12 may promote greater consistency and fairness in pretrial
13 decision-making throughout this Commonwealth; therefore be it

14 RESOLVED, That the House of Representatives direct the
15 Pennsylvania Commission on Sentencing to conduct a study of bail
16 and pretrial release practices and to issue recommendations to
17 the House of Representatives regarding the setting of bail and
18 pretrial release conditions; and be it further

19 RESOLVED, That the Pennsylvania Commission on Sentencing
20 submit a report containing its findings and recommendations to
21 the Speaker of the House of Representatives, the Majority Leader
22 and the Minority Leader of the House of Representatives and the
23 chairperson and minority chairperson of the Judiciary Committee
24 of the House of Representatives within two years of the adoption
25 of this resolution.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HR0519 PN3379	Prepared By:	Marissa Itterly (717) 705-1880
Committee:	Judiciary	Executive Director:	David Vitale, Esq.
Sponsor:	Bonner and Briggs		
Date:	5/7/2026		

A. Brief Concept

Directs the Pennsylvania Commission on Sentencing to conduct a study and issue recommendations on bail and pretrial release practices.

C. Analysis of the Bill

This is a resolution requiring the Pennsylvania Commission on Sentencing (PCS) to conduct a study of bail and pretrial release practices in Pennsylvania. There has been no study on this topic prior to this resolution. The resolution also requires PCS to issue recommendations to the House of Representatives regarding the setting of bail and pretrial release conditions. The resolution notes that bail practices across the Commonwealth vary significantly and a study may promote greater consistency and fairness in pretrial decision-making.

Effective Date:

Recommendations due to the House in two years.

G. Relevant Existing Laws

The following existing laws are mentioned in the resolution:

The Constitution of Pennsylvania, Article I

§ 13. Bail, fines and punishments.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

§ 14. Prisoners to be bailable; habeas corpus.

All prisoners shall be bailable by sufficient sureties, unless for capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

42 Pa.C.S. § 2153(a)(16)(v) (Powers and duties of commission.)

(a) Powers and duties.--The commission, in accordance with the rules and regulations of the commission, shall have the powers to:

(16) Report to the General Assembly on:

(v) evaluations of the effectiveness and cost-benefit of various criminal justice interventions and programming, including restrictive conditions of probation, recidivism risk reduction incentive programs, the State Drug Treatment Program, the State Motivational Boot Camp Program, pretrial diversion programs, prisoner treatment programs and prison reentry programs. For evaluations of the effectiveness and cost-benefit of a program in reducing recidivism, the commission shall report on:

(A) The number of individuals eligible for the program, the number of individuals participating in the program and the number of individuals who successfully completed the program during the period under study.

(B) The recidivism rates for participants of the program and for a comparison group of individuals who did not participate in the program.

(C) Potential changes in the program that the commission believes would make the program more effective.

(D) Any other information the commission deems relevant.

42 Pa.C.S. § 5702 (Bail to be governed by general rules.)

Except as otherwise provided by this title and the laws relating to the regulation of surety companies, all matters relating to the fixing, posting, forfeiting, exoneration and distribution of bail and recognizances shall be governed by general rules.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

None.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 547 Session of
2026

INTRODUCED BY J. HARRIS, DELOZIER, WAXMAN, KHAN, McNEILL, MAYES,
KINKEAD, BRENNAN, GUZMAN, DOUGHERTY, PARKER, HOHENSTEIN,
CEPEDA-FREYTIZ, NEILSON, SANCHEZ, CURRY, PUGH, RIGBY, KUZMA,
TOMLINSON, FLOOD, MIHALEK, BONNER AND KAIL, JUNE 1, 2026

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 2, 2026

A RESOLUTION

1 Directing the Legislative Budget and Finance Committee to
2 conduct a study on the use of electronic monitoring as an
3 alternative to incarceration in this Commonwealth and to
4 report its findings and recommendations to the House of
5 Representatives.

6 WHEREAS, Electronic monitoring technologies are used
7 throughout this Commonwealth to supervise certain individuals in
8 the community in lieu of incarceration, including individuals on
9 pretrial release, probation, parole and county intermediate
10 punishment programs; and

11 WHEREAS, Pennsylvania law authorizes the use of electronic
12 monitoring in a variety of circumstances, including under 42
13 Pa.C.S. §§ 9763 and 9804; and

14 WHEREAS, Additional authority for community supervision and
15 alternatives to incarceration, including supervision conditions
16 that may incorporate electronic monitoring technology, exists
17 under 61 Pa.C.S. Pt. IV (relating to Department of Corrections);
18 and

1 WHEREAS, Courts in this Commonwealth may also utilize
2 electronic monitoring as a condition of pretrial release
3 pursuant to the Pennsylvania Rules of Criminal Procedure
4 governing bail and conditions of release; and

5 WHEREAS, Rigorous evidence demonstrates that electronic
6 monitoring, when used appropriately as an alternative to
7 incarceration, may improve public safety outcomes while reducing
8 correctional costs; and

9 WHEREAS, Policymakers may benefit from a comprehensive
10 evaluation of how electronic monitoring is currently used in
11 this Commonwealth and whether opportunities exist to improve or
12 expand its use; therefore be it

13 RESOLVED, That the House of Representatives direct the
14 Legislative Budget and Finance Committee to conduct a study and
15 issue a report regarding the use of electronic monitoring as an
16 alternative to incarceration in this Commonwealth; and be it
17 further

18 RESOLVED, That the study include an examination of the
19 following:

20 (1) where and how electronic monitoring is currently
21 used in this Commonwealth as an alternative to incarceration,
22 including statutory authority and the populations eligible
23 for electronic monitoring;

24 (2) constraints or barriers that may limit the use of
25 electronic monitoring as an alternative to incarceration;

26 (3) opportunities to expand or improve the use of
27 electronic monitoring for low-risk individuals as an
28 alternative to incarceration;

29 (4) rates of recidivism for individuals supervised using
30 electronic monitoring as compared to incarcerated populations

1 and individuals under other forms of community supervision;

2 (5) the costs of electronic monitoring and incarceration
3 to the Commonwealth compared to the costs to counties and
4 individuals under supervision;

5 (6) methods used to evaluate electronic monitoring
6 technologies to ensure effective supervision outcomes; and

7 (7) the structure of contracts or agreements for
8 operating and providing electronic monitoring services within
9 this Commonwealth;

10 and be it further

11 RESOLVED, That, in conducting the study, the Legislative
12 Budget and Finance Committee consult with relevant stakeholders,
13 including:

14 (1) the Pennsylvania Commission on Crime and
15 Delinquency;

16 (2) the Administrative Office of Pennsylvania Courts;

17 (3) the Department of Corrections;

18 (4) the Pennsylvania Parole Board;

19 (5) county probation and parole departments;

20 (6) representatives of the judiciary;

21 (7) the Pennsylvania District Attorneys Association;

22 (8) the Pennsylvania Public Defender Association;

23 (9) the Office of Attorney General;

24 (10) representatives of law enforcement;

25 (11) providers of electronic monitoring services;

26 (12) organizations representing victims of crime and
27 domestic violence; and

28 (13) criminal justice policy and reentry organizations
29 with expertise in electronic monitoring;

30 and be it further

1 RESOLVED, That Commonwealth agencies and departments
2 cooperate with the Legislative Budget and Finance Committee and
3 provide information requested by the committee as necessary to
4 complete the study; and be it further

5 RESOLVED, That the Legislative Budget and Finance Committee
6 submit a report of its findings and recommendations to the House
7 of Representatives no later than 18 months after the adoption of
8 this resolution.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HR0547 PN3446	Prepared By:	David Vitale, Esq. (717) 705-7011
Committee:	Judiciary	Executive Director:	David Vitale, Esq.
Sponsor:	Harris and Delozier		
Date:	6/1/2026		

A. Brief Concept

Resolution directing the Legislative Budget and Finance Committee (LBFC) to conduct a comprehensive study on the use of electronic monitoring as an alternative to incarceration in Pennsylvania.

C. Analysis of the Bill

The resolution provides several whereas clauses and requires the LBFC to examination:

- (1) where and how electronic monitoring is currently used;
- (2) constraints or barriers that may limit the use of electronic monitoring;
- (3) opportunities to expand or improve the use of electronic monitoring for low-risk individuals;
- (4) rates of recidivism for individuals supervised using electronic monitoring;
- (5) the costs of electronic monitoring and incarceration compared to the costs to counties and individuals under supervision;
- (6) methods used to evaluate electronic monitoring technologies; and
- (7) the structure of contracts or agreements for operating and providing electronic monitoring services within this Commonwealth.

The LBFC should consult with the following stakeholders:

- (1) the Pennsylvania Commission on Crime and Delinquency;
- (2) the Administrative Office of Pennsylvania Courts;
- (3) the Department of Corrections;
- (4) the Pennsylvania Parole Board;
- (5) county probation and parole departments;
- (6) representatives of the judiciary;
- (7) the Pennsylvania District Attorneys Association;
- (8) the Pennsylvania Public Defender Association;
- (9) the Office of Attorney General;
- (10) representatives of law enforcement;
- (11) providers of electronic monitoring services;
- (12) organizations representing victims of crime and domestic violence; and
- (13) criminal justice policy and reentry organizations with expertise in electronic monitoring.

Effective Date:

The report and its findings and recommendations are due no later than 18 months after the adoption of this resolution.

G. Relevant Existing Laws

Resolution.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

None.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1585 Session of
2025

INTRODUCED BY BERNSTINE, KAUFFMAN, ROWE AND ZIMMERMAN,
JUNE 10, 2025

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 10, 2025

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in other offenses, providing for
3 prohibition against publishing or disseminating booking
4 photographs for commercial use.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 7518. Prohibition against publishing or disseminating booking
10 photographs for commercial use.

11 (a) Offense defined.--A person that is engaged in publishing
12 or otherwise disseminating a booking photograph is guilty of a
13 misdemeanor of the second degree if the person solicits or
14 accepts the payment of a fee or other consideration to remove,
15 correct, modify or refrain from publishing or otherwise
16 disseminating the booking photograph.

17 (b) Separate violations.--Each payment or other
18 consideration solicited or accepted in violation of this section
19 constitutes a separate violation.

1 (c) Violation of Unfair Trade Practices and Consumer
2 Protection Law.--Conduct that would constitute an offense under
3 this section shall be deemed to be a violation of the act of
4 December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade
5 Practices and Consumer Protection Law.

6 (d) Venue.--An offense committed under this section is
7 deemed to have been committed where the solicitation or
8 acceptance of a fee or other consideration was made or received.

9 (e) Territorial applicability.--A person may be convicted
10 under the provisions of this section if the victim or offender
11 is located within this Commonwealth.

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

15 "Booking photograph." A photograph or image of an individual
16 generated by law enforcement for identification purposes in
17 accordance with 61 Pa.C.S. § 1103 (relating to recording system
18 for identification of criminal offenders).

19 Section 2. This act shall take effect in 60 days.

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 1585

Sponsor: Briggs

Printer's No. 1892

1 Amend Bill, page 1, lines 1 through 19; page 2, lines 1
2 through 19; by striking out all of said lines on said pages and
3 inserting

4 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
5 Consolidated Statutes, in theft and related offenses, further
6 providing for the offense of theft by extortion; and, in
7 criminal history record information, providing for request
8 and removal of the dissemination of booking photographs.
9 The General Assembly of the Commonwealth of Pennsylvania hereby
10 enacts as follows:

11 Section 1. Section 3923 of Title 18 of the Pennsylvania
12 Consolidated Statutes is amended by adding subsections to read:
13 § 3923. Theft by extortion.

14 * * *

15 (a.1) Prohibition on consideration for the destruction and
16 removal of booking photographs.--A person that is engaged in
17 publishing or otherwise disseminating a booking photograph
18 commits an offense if the person solicits or accepts the payment
19 of a fee or other consideration to remove and destroy or refrain
20 from publishing or otherwise disseminating the booking
21 photograph. Each payment or other consideration solicited or
22 accepted in violation of this subsection constitutes a separate
23 violation.

24 * * *

25 (c) Definition.--As used in this section, the term "booking
26 photograph" means a photograph or image of an individual
27 generated by law enforcement for identification purposes in
28 accordance with 61 Pa.C.S. § 1103 (relating to recording system
29 for identification of criminal offenders).

30 Section 2. Title 18 is amended by adding a section to read:
31 § 9126. Request and removal of the dissemination of booking
32 photographs.

33 (a) Requirements.--A noncriminal justice agency that is
34 engaged in publishing or otherwise disseminating a booking
35 photograph shall:

36 (1) Clearly and conspicuously post on the noncriminal
37 justice agency's publicly accessible Internet website an

1 active and monitored email address, telephone number and
2 mailing address by which an individual may request the
3 removal and destruction of the individual's booking
4 photograph.

5 (2) Remove and destroy an individual's booking
6 photograph within seven calendar days of receiving a request
7 for removal and destruction from the individual if:

8 (i) The booking photograph relates to criminal
9 charges that:

10 (A) resulted in a final disposition other than a
11 conviction;

12 (B) are subject to a court order for limited
13 access as provided in section 9122.1 (relating to
14 petition for limited access);

15 (C) were granted clean slate limited access
16 under section 9122.2 (relating to clean slate limited
17 access); or

18 (D) were expunged or vacated pursuant to a court
19 order or were pardoned through executive action.

20 (ii) The individual requesting removal and
21 destruction submits reasonable documentation supporting
22 eligibility under this paragraph.

23 (b) Sanction.--In addition to any relief provided under
24 section 9183 (relating to civil actions), a noncriminal justice
25 agency that fails to comply with subsection (a)(2) shall be
26 liable for a civil penalty of \$100 per day for each day
27 following the expiration of the seven-calendar-day period during
28 which the booking photograph remains published or otherwise
29 disseminated.

30 (c) Definition.--As used in this section, the term "booking
31 photograph" means a photograph or image of an individual
32 generated by law enforcement for identification purposes in
33 accordance with 61 Pa.C.S. § 1103 (relating to recording system
34 for identification of criminal offenders).

35 Section 3. This act shall take effect in 60 days.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB1585 PN1892	Prepared By:	Michelle Batt, Esq. (717) 705-7011,6791
Committee:	Judiciary	Executive Director:	David Vitale, Esq.
Sponsor:	Bernstine, Aaron		
Date:	7/18/2025		

A. Brief Concept

Creates a misdemeanor of the second degree if a person publishes or disseminates a booking photograph and solicits or accepts payment to remove, correct, modify or refrain from publishing or disseminating the booking photograph.

C. Analysis of the Bill

Adds §7518 to Title 18 to prohibit the publication or dissemination booking photographs for commercial use. The bill creates a misdemeanor of the second degree if a person is engaged in publishing or disseminating a booking photograph and solicits or accepts payment of a fee or other consideration to remove, correct, modify or refrain from publishing or otherwise disseminating the booking photograph.

Each payment or other consideration solicited or accepted in violation of this section constitutes a separate violation.

An offense is deemed to have been committed where the solicitation or acceptance of a fee or other consideration was made or received and a person may be convicted under this provision if the victim or offender is located in the Commonwealth.

"Booking photograph." A photograph or image of an individual generated by law enforcement for identification purposes in accordance with 61 Pa.C.S. § 1103.

Effective Date:

60 Days.

G. Relevant Existing Laws

May be able to charge theft by extortion under current law but unlikely.

Title 18, § 3923, theft by extortion, provides"

(a) Offense defined.--A person is guilty of theft if he intentionally obtains or withholds property of another by threatening to:

- (1) commit another criminal offense;
- (2) accuse anyone of a criminal offense;
- (3) expose any secret tending to subject any person to hatred, contempt or ridicule;
- (4) take or withhold action as an official, or cause an official to take or withhold action;
- (5) bring about or continue a strike, boycott or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act;
- (6) testify or provide information or withhold testimony or information with respect to the legal claim or defense of another; or
- (7) inflict any other harm which would not benefit the actor.

(b) Defenses.--It is a defense to prosecution based on paragraphs (a)(2), (a)(3) or (a)(4) of this section that the property obtained by threat of accusation, exposure, lawsuit or other invocation of official action was honestly claimed as restitution or indemnification for harm done in the circumstances to which such accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful services.

Title 61, § 1103, recording system for identification of criminal offenders, provides in relevant part:

(a) General rule.--The Pennsylvania State Police shall continue to procure and file for record photographs, pictures, descriptions, fingerprints and such other information pertaining to all persons who have been convicted of a criminal offense within this Commonwealth and also of all well-known and habitual criminal offenders, wherever they may be procured.

(b) Cooperation from chief administrators.--Chief administrators of correctional facilities shall furnish to the Pennsylvania State Police, upon request, the fingerprints, photographs and description of any inmate.

(c) Fingerprinting and photographing authorized.--

(1) The Pennsylvania State Police, chief administrators of correctional facilities and all police officers within the several political subdivisions of this Commonwealth may take or cause to be taken the fingerprints or photographs of any person in custody, charged with the commission of a criminal offense or reasonably believed to be a fugitive from justice or a habitual criminal. This paragraph shall not apply to persons charged with a violation of 75 Pa.C.S. (relating to vehicles) which is punishable upon conviction in a summary proceeding unless the person is reasonably believed to be a fugitive from justice or a habitual criminal.

(2) The chiefs of law enforcement bureaus of all cities within this Commonwealth shall furnish daily to the Pennsylvania State Police copies of the fingerprints and, if possible, photographs of any person arrested within their jurisdiction charged with the commission of a criminal offense classified as a felony of any degree or who is reasonably believed to be a fugitive from justice or a habitual criminal. Such fingerprints shall be taken on forms furnished or approved by the Pennsylvania State Police.

(3) The Pennsylvania State Police, immediately upon the receipt of records under this subsection, shall compare them with those already in their files and, if they find that any person arrested has a previous criminal record or is a fugitive from justice, shall immediately inform the arresting officer or the officer having the inmate in charge of that fact.

(d) Cooperation outside this Commonwealth.--The Pennsylvania State Police shall cooperate with agencies of other states and of the United States having similar powers to develop and carry on a complete international, national and interstate system of criminal identification and investigation and also to furnish, upon request, any information in its possession concerning any person charged with a criminal offense to any court, district attorney or police officer of this Commonwealth, another state or the United States.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

House Bill 1736 of 2021-22 session passed the House on November 8, 2021, by a vote of 194-6.

Passed out of the House Judiciary Committee on September 28, 2021, by a vote of 23-2.

the Pennsylvania House of Representatives and may not be utilized as such.