
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 274 Session of
2025

INTRODUCED BY CAPPELLETTI, SCHWANK, COLLETT, HAYWOOD, HUGHES,
SAVAL, KEARNEY, COMITTA, TARTAGLIONE, COSTA AND SANTARSIERO,
FEBRUARY 20, 2025

REFERRED TO JUDICIARY, FEBRUARY 20, 2025

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 61
2 (Prisons and Parole) of the Pennsylvania Consolidated
3 Statutes, in sentencing, providing for alternative sentencing
4 for primary caretakers and further providing for contents of
5 presentence report; and, in medical services, establishing
6 the Maternity Medical Services Program; and making editorial
7 changes.

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

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

12 § 9722.1. Alternative sentencing for primary caretakers.

13 (a) Sentencing.--Except as otherwise provided under this
14 section, immediately after the conviction of a person for a
15 nonviolent offense and before sentencing, the court shall
16 determine if the person convicted is a primary caretaker of a
17 dependent child. If the court determines that the person
18 convicted of a nonviolent offense is a primary caretaker of a
19 dependent child, the court shall impose an individually assessed
20 sentence without confinement in a prison, work camp, halfway

1 facility or similar institution and based on community
2 rehabilitation with a focus on parent-child unity and support.

3 (b) Conditions.--In imposing a sentence on a primary
4 caretaker of a dependent child convicted of a nonviolent
5 offense, the court shall require the person to participate in a
6 program that meets certain conditions that the court considers
7 appropriate, including any of the following:

8 (1) Drug and alcohol treatment.

9 (2) Domestic violence education and prevention.

10 (3) Physical and sexual abuse counseling.

11 (4) Mental health treatment and counseling.

12 (5) Vocational and educational services.

13 (6) Job training and placement education.

14 (7) Affordable and safe housing assistance education.

15 (8) Financial literacy.

16 (9) Evidence-based parenting skills classes.

17 (10) Family and individual counseling.

18 (11) Family case management services.

19 (c) Appearance.--The court may require a primary caretaker
20 of a dependent child serving a sentence under this section to
21 appear in court at regularly scheduled intervals and otherwise
22 at any time as the court determines necessary during the
23 person's sentence for the following purposes:

24 (1) Evaluating the person's progress in treatment or
25 rehabilitation.

26 (2) Determining if the person has violated a condition
27 of the sentence.

28 (d) Modification.--During an appearance in court under
29 subsection (c), the court may do any of the following:

30 (1) Modify the conditions of a sentence imposed in

1 accordance with this section.

2 (2) Decrease the duration of a sentence imposed under
3 this section based on the person's successful advancement.

4 (3) Sanction the person for a violation of a condition
5 of the sentence imposed under this section, including
6 requiring the person to serve a term of imprisonment within
7 the range of the sentence for a person who is not a primary
8 caretaker of a dependent child as specified under the laws of
9 this Commonwealth.

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

13 "Dependent child." A person who is under 18 years of age and
14 unemancipated.

15 "Nonviolent offense." An offense which is not a crime of
16 violence as defined in section 9714(g) (relating to sentences
17 for second and subsequent offenses).

18 "Primary caretaker of a dependent child." As follows:

19 (1) Any of the following:

20 (i) A parent who has consistently assumed
21 responsibility for the housing, health and safety of a
22 child prior to incarceration.

23 (ii) A woman who is pregnant or has given birth to a
24 child after or while awaiting her sentencing hearing and
25 expresses a willingness to the court to assume
26 responsibility for the housing, health and safety of her
27 child.

28 (2) A parent who, in the best interest of the child, has
29 arranged for the temporary care of the child in the home of a
30 relative or other responsible adult shall not, for that

1 reason, be excluded from this definition.

2 Section 2. Section 9732 of Title 42 is amended to read:

3 § 9732. Contents of presentence report.

4 The presentence report shall include a summary of the
5 circumstances attending the commission of the crime, the history
6 of delinquency or criminality, physical and mental condition,
7 family situation and background, including whether the defendant
8 is pregnant or the primary caretaker of a dependent child,
9 economic status, education, occupation and personal habits of
10 the defendant, any history of drug or alcohol abuse or addiction
11 and any other matters that the person preparing the report deems
12 relevant or that the court directs be included.

13 Section 3. Chapter 33 of Title 61 is amended by adding a
14 subchapter heading immediately preceding section 3301 to read:

15 SUBCHAPTER A

16 MEDICAL SERVICES ACT

17 Section 4. Sections 3301, 3302 introductory paragraph and
18 3303(a) and (g) of Title 61 are amended to read:

19 § 3301. Short title of [chapter] subchapter.

20 This [chapter] subchapter shall be known and may be cited as
21 the Correctional Institution Medical Services Act.

22 § 3302. Definitions.

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

26 * * *

27 § 3303. Medical Services Program.

28 (a) Establishment.--The Medical Services Program is
29 established in the department which shall include, but not be
30 limited to, the provisions of this [chapter] subchapter. The

1 program shall be a copay program requiring inmates to pay a fee
2 to cover a portion of the actual costs of the medical services
3 provided.

4 * * *

5 (g) Deposits.--Medical services fees collected under this
6 [chapter] subchapter shall be deposited in the General Fund.

7 Section 5. Chapter 33 of Title 61 is amended by adding a
8 subchapter to read:

9 SUBCHAPTER B

10 MATERNITY MEDICAL SERVICES ACT

11 Sec.

12 3321. Short title of subchapter.

13 3322. Definitions.

14 3323. Maternity Medical Services Program.

15 3324. Powers and duties of department.

16 3325. Report to General Assembly.

17 § 3321. Short title of subchapter.

18 This subchapter shall be known and may be cited as the
19 Correctional Institution Maternity Medical Services Act.

20 § 3322. Definitions.

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

24 "Eligible inmate." A woman who was convicted of a nonviolent
25 offense and who has been committed to the custody of the
26 department and who is pregnant or who has given birth to a
27 child.

28 "Nonviolent offense." An offense which is not a crime of
29 violence as defined in 42 Pa.C.S. § 9714(g) (relating to
30 sentences for second and subsequent offenses).

1 "Program." The Maternity Medical Services Program
2 established for eligible inmates under section 3323(a) (relating
3 to Maternity Medical Services Program).

4 § 3323. Maternity Medical Services Program.

5 (a) Establishment.--The Maternity Medical Services Program
6 is established in the department. The department shall, by
7 regulation, administer the program to provide maternity medical
8 services and postpartum care for women who are pregnant or who
9 have given birth to a child while in the custody of the
10 department. The program shall include the provisions of this
11 subchapter.

12 (b) Administration.--The program shall be a copay program
13 requiring eligible inmates to pay a fee to cover a portion of
14 the actual costs of the medical services provided under the
15 program in accordance with Subchapter A (relating to Medical
16 Services Act). The department may not deny eligibility for the
17 program due to the inability of an eligible inmate to pay the
18 fee required under this subsection. The department shall also
19 utilize other funding methods, including private insurance or
20 funding available from the Federal Government or the
21 Commonwealth, for reimbursement of the medical services provided
22 under the program and associated labor, delivery and postpartum
23 care for the period specified under subsection (c).

24 (c) Program requirements.--

25 (1) The program shall provide medical services to the
26 following:

27 (i) An eligible inmate for a period of not more than
28 eight months during the eligible inmate's pregnancy prior
29 to a child's birth.

30 (ii) An eligible inmate who has given birth to a

1 child for a period of not less than 12 consecutive months
2 or for the remainder of the term of incarceration,
3 whichever is less.

4 (2) The program shall place an eligible inmate who has
5 given birth to a child in a community corrections center or
6 community corrections facility with the child for the period
7 specified under paragraph (1)(ii). The community corrections
8 center or community corrections facility shall provide
9 adequate housing and accommodations to the eligible inmate
10 and the child, including access to pediatric care and other
11 appropriate medical services.

12 (3) The program shall include community-based
13 programming for an eligible inmate, including postpartum care
14 programming for the purpose of promoting mother-child
15 bonding, in addition to other conditions required by the
16 court under 42 Pa.C.S. § 9722.1(b) (relating to alternative
17 sentencing for primary caretakers). The community-based
18 programming shall also include the following:

19 (i) Evidence-based parenting skills programming.

20 (ii) Vocational training, employment-seeking skills
21 and employment at a paid position.

22 (iii) Educational programming.

23 (iv) Drug and alcohol dependency treatment.

24 (v) Mental health treatment services.

25 § 3324. Powers and duties of department.

26 (a) Implementation.--The department shall implement the
27 program by:

28 (1) Issuing regulations as required under section
29 3323(a) (relating to Maternity Medical Services Program).

30 (2) Providing department staff and medical services

1 providers with training relating to the program.

2 (3) Developing administrative forms for the
3 implementation of the program.

4 (4) Providing for administrative and accounting
5 procedures for the program and an annual audit of the
6 program.

7 (5) Providing written notice to all current inmates
8 regarding implementation of the program.

9 (b) Explanation of program.--Each inmate shall be advised of
10 the medical services fees and payment procedures at the time of
11 intake. An explanation of the program regulations shall be
12 included in the inmate handbook.

13 (c) Written notice of changes.--Each inmate shall receive
14 written notice of any changes in medical services fees and
15 payment procedures and an initial written notice of the
16 program's implementation.

17 (d) Payment for medical services.--

18 (1) No eligible inmate shall be denied access to medical
19 services under the program because of an inability to pay the
20 required fees under section 3323(b).

21 (2) The department shall devise and implement a program
22 whereby inmates of State correctional institutions who have
23 medical insurance shall pay for their own maternal medical
24 needs through that insurance. This program shall be contained
25 in regulations promulgated by the department.

26 § 3325. Report to General Assembly.

27 The department shall submit to the chair and minority chair
28 of the Appropriations Committee of the Senate, the chair and
29 minority chair of the Appropriations Committee of the House of
30 Representatives, the chair and minority chair of the Judiciary

1 Committee of the Senate and the chair and minority chair of the
2 Judiciary Committee of the House of Representatives an annual
3 report on the program established by this subchapter. The report
4 may recommend legislative changes for the program and propose
5 model legislation for counties which may wish to develop similar
6 programs.

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