

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, APRIL 18, 1995

FIRST SPECIAL SESSION OF 1995

No. 26

### HOUSE OF REPRESENTATIVES

The House convened at 1:05 p.m., e.d.t.

**THE SPEAKER (MATTHEW J. RYAN)**  
**PRESIDING**

#### PRAYER

The SPEAKER. Without objection, the prayer from today's regular session will be printed in today's special session Journal.

REV. DR. EMLYN H. JONES, pastor of Stoverdale United Methodist Church, Hummelstown, Pennsylvania, offered the following prayer:

Please bow with me.

Eternal Father, Thou who has been with us from the very beginnings of our Commonwealth, we desire to begin this legislative session seeking Your will for our people and Your guidance for the members of this grand House.

Our people desire resolution of the awesome problems they must deal with daily. Our elderly seek to live their lives in safety and security. They have made significant contributions to the rebuilding of our society, and they now desire to simply live tranquilly in their retirement years. Help us to provide for their needs. Our youth feel the challenge of life and anticipate change for the better. O God, may we provide them with excellent educational opportunities, motivation to be the best and to excel in their chosen disciplines. Grant us wisdom to provide to them the necessary ingredients for successful living.

We must also address the current plague of violence and crime. Only You have adequate answers for youth gone astray and adults who refuse to obey our laws. Grant us, God of wisdom, fair solutions that will rescue our youngsters from deviant behaviors, provide for the general welfare of all our people, restore those who have become victims, and fairly discipline and rehabilitate those who rebel and prey upon their fellow citizens. May Your goodness and mercy guide our decisionmaking.

We are privileged to serve our people. May we do so with a sense of history and with the future always in mind.

We ask Your blessings upon our Governor, upon his Cabinet, upon our legislators and their leaders. Grant each of them Your divine presence.

Hear our prayer, O God. Amen.

### PLEDGE OF ALLEGIANCE DISPENSED WITH

The SPEAKER. Without objection, the Pledge of Allegiance will be dispensed with.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, March 21, 1995, will be postponed until printed. The Chair hears no objection.

### LEAVES OF ABSENCE

The SPEAKER. The leaves of absence granted in today's regular session will also be granted in the special session.

### MASTER ROLL CALL

The SPEAKER. The master roll call taken in today's regular session will also be the master roll call for the special session.

### CALENDAR

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 4, PN 68**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the composition and powers of the Board of Pardons.

On the question,

Will the House agree to the bill on third consideration?

Mr. **DERMODY** offered the following amendment No. **A1502**:

Amend Sec. 1 (Sec. 9), page 2, lines 16 and 17, by striking out "with expertise in the prediction of violent behavior"

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Dermody.

Mr. **DERMODY**. Thank you, Mr. Speaker.

Mr. Speaker, SB 4 makes significant changes in the makeup of the Board of Pardons and how the board operates. According to SB 4, the Governor will be required to appoint a psychologist or a psychiatrist with expertise in the prediction of violent behavior. My amendment deletes the language "with expertise in the prediction of violent behavior." If you talk to any of the experts in this field, including the Board of Parole, they will tell you that it is virtually impossible to predict violent behavior.

This bill amends our Constitution. Our Constitution needs to remain an accurate and flexible document, and I submit to you that we are setting ourselves up for failure and the board up for failure if we require the Governor to appoint anybody with so-called expertise in the prediction of violent behavior.

So I would urge the members to please support this amendment.

The SPEAKER. On the question of the Dermody amendment, the Chair recognizes the gentleman, Mr. Piccola, from Dauphin.

Mr. PICCOLA. Thank you, Mr. Speaker.

The arguments in favor of amendment A1502 offered by the gentleman, Mr. Dermody, have merit, and I would urge the House concur in the amendment offered by the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

## YEAS-199

Adolph	Fajt	Maitland	Saylor
Allen	Fargo	Major	Schroder
Argall	Farmer	Manderino	Schuler
Armstrong	Feese	Markosek	Scrimenti
Baker	Fichter	Marsico	Semmel
Bard	Flagle	Masland	Serafini
Barley	Flick	Mayernik	Shaner
Battisto	Gamble	McCall	Sheehan
Bebko-Jones	Gannon	McGeehan	Smith, B.
Belardi	Geist	McGill	Smith, S. H.
Belfanti	George	Melio	Snyder, D. W.
Birmelin	Gigliotti	Merry	Staback
Bishop	Gladeck	Michlovic	Stairs
Blaum	Godshall	Micozzie	Steelman
Boscola	Gordner	Mihalich	Steil
Boyes	Gruitza	Miller	Stern
Brown	Gruppo	Mundy	Stetler
Browne	Habay	Nailor	Stish
Bunt	Haluska	Nickol	Strittmatter
Butkovitz	Hanna	Nyce	Sturla
Buxton	Harhart	O'Brien	Surra
Caltagirone	Hasay	Olasz	Tangretti
Cappabianca	Hennessey	Oliver	Taylor, E. Z.
Carn	Herman	Perzel	Taylor, J.
Carone	Hershey	Pesci	Thomas
Cawley	Hess	Petrarca	Tigue
Chadwick	Horsey	Petrone	Travaglio
Civera	Hutchinson	Pettit	Trello
Clark	Itkin	Phillips	Trich
Clymer	Jadlowiec	Piccola	True
Cohen, L. I.	James	Pistella	Tulli
Colafella	Jarolin	Pitts	Vance
Colaizzo	Josephs	Platts	Van Horne
Conti	Kaiser	Preston	Veon
Cornell	Keller	Ramos	Vitali
Corpora	Kenney	Raymond	Walko
Corrigan	King	Readshaw	Washington
Coy	Kirkland	Reber	Waugh
Curry	Krebs	Richardson	Williams
Daley	Kukovich	Rieger	Wogan
DeLuca	LaGrotta	Roberts	Wozniak

Dempsey	Laughlin	Robinson	Wright, D. R.
Dent	Lawless	Roebuck	Wright, M. N.
Dermody	Lederer	Rohrer	Yewcic
DeWeese	Leh	Rooney	Youngblood
DiGirolamo	Lescovitz	Rubley	Zimmerman
Donatucci	Levdansky	Rudy	Zug
Druce	Lloyd	Sainato	
Durham	Lucyk	Santoni	Ryan,
Egolf	Lynch	Sather	Speaker
Fairchild			

NAYS-0

NOT VOTING-1

Cohen, M.

EXCUSED-3

Cowell

Evans

Reinard

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the bill on third consideration as amended?

Mr. **DERMODY** offered the following amendment No. **A1502**:

Amend Sec. 1 (Sec. 9), page 2, line 8, by striking out the bracket before "two--"

Amend Sec. 1 (Sec. 9), page 2, line 9, by inserting a bracket before "or"

Amend Sec. 1 (Sec. 9), page 2, line 9, by striking out the bracket after "or"

Amend Sec. 1 (Sec. 9), page 2, line 9, by inserting a bracket after "majority"

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the gentleman is recognized.

Mr. **DERMODY**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would require—

The SPEAKER. Will the gentleman yield.

The Chair at this time has asked the lady, Mrs. Vance, to temporarily preside.

### THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

The SPEAKER pro tempore. The gentleman, Mr. Dermody, may proceed.

Mr. **DERMODY**. Thank you, Madam Speaker.

Madam Speaker, this amendment would require that the member that the Governor recommends to the Senate be confirmed by a two-thirds vote of the Senate. Currently members of the Marketing Board, the Pennsylvania Fish Commission, Pennsylvania Game Commission, the Liquor Control Board, the Turnpike Commission are required to be confirmed by a two-thirds

vote of the Senate, and I submit that the members of the Board of Pardons, with their significant responsibilities, deserve at least the same scrutiny as the members of the Fish and Game Commissions. They could literally be making life-and-death decisions, so I submit that a two-thirds vote makes sense in this case and would urge the members to vote for a two-thirds requirement in the Senate to approve the members of the Board of Pardons.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin County, Mr. Piccola.

Mr. PICCOLA. Thank you, Madam Speaker.

I rise to oppose the Dermody amendment. This amendment would change the present provisions of the Constitution which allow this General Assembly to determine whether a two-thirds majority or a simple majority would be sufficient to confirm a member of the Board of Pardons. That is presently in the Constitution.

The bill conforms the Constitution to the law as the General Assembly adopted it a number of years ago to make the Board of Pardons members confirmed by a simple majority. We have elected to do that, I believe in the Administrative Code. That is the present law. A majority of the Senate confirms a member of the Board of Pardons. Mr. Dermody would have us go to another way of doing business, whereby two-thirds of the Senate would have to confirm the Governor's appointment to the Board of Pardons. That, in my view and I believe in the view of the majority of the members of the General Assembly over the years, is not appropriate. We enacted a statute which made a simple majority sufficient for confirmation to the Board of Pardons. It has been that way for a number of years. There is no reason set forth in this bill or in the arguments by Mr. Dermody as to why we should change something that has worked very well over the years.

I also would submit that by requiring a two-thirds majority for confirmation, you would tempt a minority in the Senate to play games, political games, with these appointments, as oftentimes happens with judicial appointments which require a two-thirds majority.

We should leave this confirmation at a simple majority so that there is clear accountability with the Governor for making the appointment and the majority of the Senate for confirming that appointment. I would therefore urge the House to defeat the Dermody amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Dermody, for the second time.

Mr. DERMODY. Madam Speaker, I would just like to point out to the members that if the system was working so well, we would not be here today making these proposed changes to the Board of Pardons, and I would suggest to you that it is important that the minority have a voice in who the members of the Board of Pardons be. They are going to make crucial decisions regarding release decisions, and yes, of life prisoners. Therefore, I suggest to you that it is important that we vote and we have the chance to vote today to change it, as we are going to vote to change many aspects of the Board of Pardons, to require a two-thirds vote in the Senate. Regardless of what the controlling party is, it is important that they have a voice, particularly in matters as serious as this.

So I would ask for your support.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—100

Battisto	Donatucci	Manderino	Sainato
Bebko-Jones	Fajt	Markosek	Santoni
Belardi	Gamble	Mayermik	Scrimenti
Belfanti	George	McCall	Shaner
Bishop	Gigliotti	McGeehan	Staback
Blaum	Gordner	Melio	Steelman
Boscola	Gruitza	Michlovic	Stetler
Butkovitz	Haluska	Mihalich	Sturla
Buxton	Hanna	Mundy	Surra
Caltagirone	Horse	Olasz	Tangretti
Cappabianca	Itkin	Oliver	Thomas
Carn	James	Pesci	Tigue
Carone	Jarolin	Petrarca	Travaglio
Cawley	Josephs	Petrone	Trello
Cohen, M.	Kaiser	Pistella	Trich
Colafiglia	Keller	Preston	Van Horne
Colaizzo	Kirkland	Ramos	Veon
Corpora	Krebs	Readshaw	Vitali
Corrigan	Kukovich	Richardson	Walko
Coy	LaGrotta	Rieger	Washington
Curry	Laughlin	Roberts	Williams
Daley	Lederer	Robinson	Wozniak
DeLuca	Lescovitz	Roebuck	Wright, D. R.
Dermody	Levdansky	Rooney	Yewcic
DeWeese	Lucyk	Rudy	Youngblood

## NAYS—100

Adolph	Fargo	Maitland	Schuler
Allen	Farmer	Major	Semmel
Argall	Feese	Marsico	Serafini
Armstrong	Fichter	Masland	Sheehan
Baker	Fleagle	McGill	Smith, B.
Bard	Flick	Merry	Smith, S. H.
Barley	Gannon	Micozzie	Snyder, D. W.
Birmelin	Geist	Miller	Stairs
Boyes	Gladeck	Nailor	Steil
Brown	Godshall	Nickol	Stern
Browne	Gruppo	Nyce	Stish
Bunt	Habay	O'Brien	Strittmatter
Chadwick	Harhart	Perzel	Taylor, E. Z.
Civera	Hasay	Pettit	Taylor, J.
Clark	Hennessey	Phillips	True
Clymer	Herman	Piccola	Tulli
Cohen, L. I.	Hershey	Pitts	Vance
Conti	Hess	Platts	Waugh
Cornell	Hutchinson	Raymond	Wogan
Dempsey	Jadlowiec	Reber	Wright, M. N.
Dent	Kenney	Rohrer	Zimmerman
DiGirolamo	King	Rubley	Zug
Druce	Lawless	Sather	
Durham	Leh	Saylor	Ryan,
Egolf	Lloyd	Schroder	Speaker
Fairchild	Lynch		

## NOT VOTING—0

## EXCUSED—3

Cowell	Evans	Reinard
--------	-------	---------

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. **HORSEY** offered the following amendment No. **A1516**:

Amend Sec. 1 (Sec. 9), page 2, line 14, by striking out the bracket before "MEMBER"

Amend Sec. 1 (Sec. 9), page 2, lines 14 and 15, by striking out "] CRIME VICTIM."

On the question,

Will the House agree to the amendment?

The **SPEAKER** pro tempore. The Chair recognizes the gentleman, Mr. Horsey.

Mr. **HORSEY**. Thank you, Madam Speaker.

It is absolutely important, Madam Speaker, that we have a member of the bar on the Pardons Board. It is important because we need an objective member who is not a consigned or commissioned person with a task. For example, we have the Attorney General, who might have an inference or input in this process, but he or she has a specific task to complete. We need an objective person who represents no special interest and will be fair and able to look at this process in a fair and objective manner.

I would urge you to support my amendment, please.

The **SPEAKER** pro tempore. Does the gentleman, Mr. Piccola, seek recognition? The gentleman may proceed.

Mr. **PICCOLA**. Thank you, Madam Speaker.

This amendment will change this bill in a very significant way. Presently the Constitution provides that one member of the Board of Pardons be a member of the bar; that is, a lawyer. There is already constitutionally one member of the bar on the Board of Pardons, that being the Attorney General, who must be a member of the bar. It was therefore thought by the sponsors of this bill and the Committee on Judiciary that reported it out that we could very well eliminate the one slot reserved for a member of the bar and substitute in his or her place a crime victim.

We recently enacted a statute providing for a victim advocate before the Parole Board, because the decisions that are made by the Parole Board oftentimes have great impact on victims, and we felt that there should be someone there advocating on behalf of the victim. Likewise, the Board of Pardons makes decisions and makes recommendations to the Governor that deal with the victims of crime because of the people that perpetrated those crimes upon that victim. It is therefore entirely appropriate, in fact it is very appropriate, that one of the members of the Board of Pardons be a crime victim so that the perspective of a crime victim be present on that board when the discussions and the recommendations regarding release and recommendations regarding pardons and commutations be made.

This is a very, very poorly thought out amendment because it eliminates the crime victim and reinstates the lawyer. I do not think it is necessary. In fact, I think it is counterproductive to the kind of reform we are trying to accomplish with this bill.

I urge the amendment's defeat.

The **SPEAKER** pro tempore. The Chair recognizes the gentleman, Mr. Horsey, from Philadelphia for the second time.

Mr. **HORSEY**. Madam Speaker, what is poorly thought out is the idea of removing the member of the bar in place of the crime victim as opposed to adding an additional slot and that person being the crime victim. Why is it necessary to remove a member of the bar as opposed to extending the Pardons Board by just going ahead and adding the crime victim?

I am not opposed to a crime victim being a member of the board and that person should be a member of the board, but not at expense of a member of the bar. Thank you, Madam Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—36

Barley	Colaizzo	Laughlin	Rieger
Belardi	Curry	Lucyk	Roberts
Bishop	Dermody	Mayernik	Robinson
Caltagirone	DeWeese	Mihalich	Scrimenti
Carn	Horsey	Oliver	Staback
Carone	James	Perzel	Surra
Cawley	Jarolin	Pesci	Trich
Cohen, M.	Josephs	Petrone	Williams
Colafella	LaGrotta	Richardson	Youngblood

#### NAYS—161

Adolph	Feese	Major	Semmel
Allen	Fichter	Manderino	Serafini
Argall	Fleagle	Markosek	Shaner
Armstrong	Flick	Marsico	Sheehan
Baker	Gamble	Masland	Smith, B.
Bard	Gannon	McCall	Smith, S. H.
Battisto	Geist	McGeehan	Snyder, D. W.
Bebko-Jones	George	McGill	Stairs
Belfanti	Gigliotti	Melio	Steelman
Birmelin	Gladeck	Merry	Steil
Blaum	Godshall	Michlovic	Stern
Boscola	Gordner	Micozzie	Stetler
Boyes	Gruitza	Miller	Stish
Brown	Gruppo	Mundy	Strittmatter
Browne	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Tangretti
Buxton	Hanna	Nyce	Taylor, E. Z.
Cappabianca	Harhart	O'Brien	Taylor, J.
Chadwick	Hasay	Olasz	Thomas
Civera	Hennessey	Pettit	Tigue
Clark	Herman	Phillips	Travaglio
Clymer	Hershey	Piccola	Trello
Cohen, L. I.	Hess	Pistella	True
Conti	Hutchinson	Pitts	Tulli
Cornell	Itkin	Platts	Vance
Corpora	Jadlowiec	Preston	Van Horne
Corrigan	Kaiser	Ramos	Veon
Coy	Keller	Raymond	Vitali
Daley	Kenney	Readshaw	Walko
DeLuca	King	Reber	Waugh
Dempsey	Kirkland	Roebuck	Wogan
Dent	Krebs	Rohrer	Wozniak
DiGirolamo	Kukovich	Rooney	Wright, D. R.
Donatucci	Lawless	Rubley	Wright, M. N.
Druce	Lederer	Rudy	Yewcic
Durham	Leh	Sainato	Zimmerman
Egolf	Lescovitz	Santoni	Zug
Fairchild	Levdansky	Sather	
Fajt	Lloyd	Saylor	
Fargo	Lynch	Schroder	
Farmer	Maitland	Schuler	

Ryan,  
Speaker

#### NOT VOTING—3

Bunt

Petrarca

Washington

EXCUSED-3

Cowell                      Evans                      Reinard

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

Ms. JOSEPHS offered the following amendment No. A1529:

Amend Sec. 1 (Sec. 9), page 2, line 15, by inserting after "VICTIM" or crime victim's advocate

Amend Bill, page 2, by inserting after line 19

Section 2. (a) Upon the first passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of this proposed constitutional amendment.

(b) Upon the second passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of this proposed constitutional amendment. The Secretary of the Commonwealth shall submit this proposed constitutional amendment to the qualified electors of this Commonwealth at the first primary, general or municipal election occurring at least three months after the proposed constitutional amendment is passed by the General Assembly which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania.

On the question,  
Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Madam Speaker.

This is very simple. It allows the Governor to appoint, besides a victim as a member of the board, not besides, but in the alternative, he may appoint a crime victim's advocate. I think that just gives the executive officer a little bit more flexibility.

I would appreciate a "yes" vote. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Madam Speaker.

I would urge the defeat of the Josephs amendment.

I feel quite strongly that a crime victim should sit on the Board of Pardons.

I am not quite sure what a crime victim advocate is. In fact, I could make a strong argument that all of us are crime victim advocates because of what we do on behalf of the victims of crime.

I think it broadens it, as the lady indicates, but I think it broadens it to the extreme, and I believe quite strongly — and I hope the House agrees — that a crime victim should sit on the Board of Pardons. Only

the crime victim has that unique perspective to know what it is like to be truly the victim of crime. A crime victim advocate, whatever that term means, unless they have actually been the victim, certainly does not have that perspective.

I urge that the amendment be defeated.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS-51

Battisto	Donatucci	Mihalich	Steelman
Bebko-Jones	Horsey	Mundy	Stetler
Belfanti	Itkin	Oliver	Sturla
Bishop	James	Pesci	Tangretti
Boscola	Jarolin	Pistella	Thomas
Butkovitz	Josephs	Preston	Tigue
Buxton	Keller	Ramos	Trich
Caltagirone	Kirkland	Richardson	Veon
Cappabianca	Kukovich	Rieger	Vitali
Carn	Lederer	Roberts	Washington
Cohen, M.	Lucyk	Robinson	Williams
Corpora	Manderino	Roebuck	Youngblood
Curry	McGeehan	Staback	

NAYS-148

Adolph	Fajt	Lynch	Saylor
Allen	Fargo	Maitland	Schroder
Argall	Farmer	Major	Schuler
Armstrong	Feese	Markosek	Scrimenti
Baker	Fichter	Marsico	Semmel
Bard	Fleagle	Masland	Serafini
Barley	Flick	Mayernik	Shaner
Belardi	Gamble	McCall	Sheehan
Birmelin	Geist	McGill	Smith, B.
Blaum	George	Melio	Smith, S. H.
Boyes	Gigliotti	Merry	Snyder, D. W.
Brown	Gladeck	Michlovic	Stairs
Browne	Godshall	Micozzie	Steil
Bunt	Gordner	Miller	Stern
Carone	Gruitza	Nailor	Stish
Cawley	Gruppo	Nickol	Strittmatter
Chadwick	Habay	Nyce	Surra
Civera	Haluska	O'Brien	Taylor, E. Z.
Clark	Hanna	Olasz	Taylor, J.
Clymer	Harhart	Perzel	Travaglio
Cohen, L. I.	Hasay	Petrarca	Trello
Colafella	Hennessey	Petrone	True
Colaizzo	Herman	Pettit	Tulli
Conti	Hershey	Phillips	Vance
Cornell	Hess	Piccola	Van Hone
Corrigan	Hutchinson	Pitts	Walko
Coy	Jadlowiec	Platts	Waugh
Daley	Kaiser	Raymond	Wogan
DeLuca	Kenney	Readshaw	Wozniak
Dempsey	King	Reber	Wright, D. R.
Dent	Krebs	Rohrer	Wright, M. N.
Dermody	LaGrotta	Rooney	Yewcic
DeWeese	Laughlin	Rubley	Zimmerman
DiGirolamo	Lawless	Rudy	Zug
Druce	Leh	Sainato	
Durham	Lescovitz	Santoni	Ryan,
Egolf	Levdansky	Sather	Speaker
Fairchild	Lloyd		

## NOT VOTING-1

Gannon

## EXCUSED-3

Cowell

Evans

Reinard

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendment No. A1587:

Amend Sec. 1 (Sec. 9), page 2, lines 6 and 7, by inserting brackets before and after "the Lieutenant Governor" and inserting immediately thereafter

a retired justice or judge of an appellate court of Pennsylvania

Amend Bill, page 2, by inserting after line 19

Section 2. (a) Upon the first passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of this proposed constitutional amendment.

(b) Upon the second passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of this proposed constitutional amendment. The Secretary of the Commonwealth shall submit this proposed constitutional amendment to the qualified electors of this Commonwealth at the first primary, general or municipal election occurring at least three months after the proposed constitutional amendment is passed by the General Assembly which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cohen, on the amendment.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, all of you should have received at your desks a copy of the survey the Democratic research staff did about who is on the Board of Pardons in the other States.

Now, 13 States do not have a Board of Pardons, leaving 37 States left. Of the 37 States with a Board of Pardons, only in Pennsylvania and Delaware is the Lieutenant Governor on the Board of Pardons. Now, why, aside from Pennsylvania, is Delaware the only State of 37 States with Pardons Boards to have a Lieutenant Governor on the Board of Pardons? I would assume that the answer is that the other States believe, as I do, that the Lieutenant Governor inherently has no expertise in these questions.

Let us look at the biography of Mark Schweiker. Does he have any background in the criminal justice system? No. Did Mark Sing have any background in the criminal justice system? No. Did Bill Scranton have any background in the criminal justice system? No. Did Ernie Kline have any background in the criminal justice system? No. Did Mark Cohen? No.

But the question is, if we are trying to make people have relevant experience on the Pardons Board — and that is the thrust of what the bill is — there is no reason why the Lieutenant Governor, who has no relevant experience, should be on the board. The Lieutenant Governor has a very, very small staff. He has no base of knowledge. He has no base of staff expertise in this. He is totally at the mercy of the Pension Board, unlike the Attorney General, in terms of making these decisions, and he really has other things to do.

Increasingly, the Lieutenant Governor of Pennsylvania is given broad assignments by the Governor. Each administration brings us news that the Lieutenant Governor is going to be a really full partner in government. The Lieutenant Governor has plenty of other things to do besides the Pardons Board, and the Lieutenant Governor has no expertise on the Pardons Board.

We saw in the last election how the Lieutenant Governor's decision to recommend the pardoning of Reginald McFadden hurt him. Mark Schweiker is going to be under the same kinds of constraints. Any future Lieutenant Governor is under the same kinds of constraints. There is no real purpose in giving a person a position if he has no inherent ability to do just so he can be politically attacked in some future campaign for failure to do a job that he was unqualified to do.

I think the whole thrust of this bill is to put people who have some qualifications by experience in the decisionmaking process. The Lieutenant Governor has no expertise, has no inherent experience in this process. The Lieutenant Governor has plenty of other things to occupy his time and therefore cannot give this job the attention it deserves. I would recommend that he be taken off the board.

Now, I am recommending that there be a retired judge or justice of an appellate court appointed. It would be the Governor's call as to who is appointed. The advantage of having a retired judge or justice make the decision is these people have very extensive paper trails. Anybody who has served on the courts has the opportunity to vote on numerous questions of criminal justice, and the Governor, with an extensive paper trail, can easily discern this person's judicial philosophy and make a decision as to who, of all the people who are qualified — at any given time there are easily 25 or more who are qualified — who best represents the Governor's philosophy.

I think this is an amendment that goes in the direction of putting competent people in jobs they can do well and taking away from jobs people who have no particular expertise or competence in this area.

I therefore urge support of this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin County, Mr. Piccola.

Mr. PICCOLA. Thank you, Madam Speaker.

The gentleman, Mr. Cohen, is suggesting that the Lieutenant Governor be removed from the Board of Pardons because he has no relevant experience in criminal justice. Well, I would submit, Madam Speaker, that I disagree with that assertion.

The Lieutenant Governor has the same relevant experience that Mr. Cohen has, that I have, that every one of you have. He was elected by the people of Pennsylvania. That is the relevant experience that the Lieutenant Governor brings to the Board of Pardons. He is

1995

by virtue of the Constitution, chairman of the Board of Pardons. I submit he brings more relevant experience than some old retired justice of our appellate courts. A retired judge or justice of our appellate courts is probably over the age of 70 because he hit the mandatory retirement age. I do not know what relevant experience that is. Whatever his paper trail might be may or may not even be relevant when the man or woman hits the age of 70 and serves on the Board of Pardons for a period of 6 years.

This amendment is wrong. The Lieutenant Governor does have relevant experience. He is accountable to the people of Pennsylvania. A retired judge of the appellate courts of this State is accountable to no one.

We should defeat this amendment resoundingly.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cohen, for the second time.

Mr. COHEN. Thank you, Madam Speaker.

It has been pointed out to me that the front-runner for the Republican nomination is 71, so people in their seventies have a great ability which is widely known by large numbers of people.

In addition, the most likely people to be victims of crime are elderly people. So beyond the fact that the judge is likely to have an extensive record of experience in the criminal justice system, he is likely to be a member of the age group that is most likely to be victimized by crime. The average Lieutenant Governor in recent years has been in his forties or fifties. People in their forties and fifties are much less likely to be victimized by crime. But the real reason is, who has any competence, who has any experience in this job? Lieutenant Governors, including Mark Schweiker, have no such experience.

I would urge the support of this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

## YEAS-75

Battisto	Dermody	Lescovitz	Shaner
Bebko-Jones	DeWeese	Levdansky	Staback
Belardi	Gigliotti	Lucyk	Steelman
Belfanti	Gordner	Manderino	Stetler
Bishop	Gruitza	Markosek	Sturla
Boscola	Haluska	McCall	Surra
Butkovitz	Hanna	Olasz	Tangretti
Caltagirone	Horsey	Oliver	Thomas
Cappabianca	Itkin	Pesci	Travaglio
Carn	James	Petrarca	Trello
Carone	Jarolin	Pistella	Trich
Cawley	Josephs	Ramos	Van Horne
Cohen, M.	Kaiser	Richardson	Vitali
Colaella	Kirkland	Rieger	Walko
Colaizzo	Krebs	Robinson	Washington
Corpora	Kukovich	Roebuck	Williams
Curry	LaGrotta	Rooney	Wright, D. R.
Daley	Laughlin	Sainato	Youngblood
DeLuca	Lawless	Santoni	

## NAYS-124

Adolph	Fargo	Masland	Schroder
Allen	Farmer	Mayernik	Schuler
Argall	Feese	McGeehan	Scrimenti
Armstrong	Fichter	McGill	Semmel
Baker	Fleagle	Melio	Serafini

Bard	Flick	Merry	Sheehan
Barley	Gamble	Michlovic	Smith, B.
Birmelin	Gannon	Micozzie	Smith, S. H.
Blaum	Geist	Miller	Snyder, D. W.
Boyes	George	Mundy	Stairs
Brown	Gladeck	Nailor	Steil
Browne	Godshall	Nickol	Stern
Bunt	Gruppo	Nyce	Stish
Buxton	Habay	O'Brien	Strittmatter
Chadwick	Harhart	Perzel	Taylor, E. Z.
Civera	Hasay	Petrone	Taylor, J.
Clark	Hennessey	Pettit	Tigue
Clymer	Herman	Phillips	True
Cohen, L. I.	Hershey	Piccola	Tulli
Conti	Hess	Pitts	Vance
Cornell	Hutchinson	Platts	Veon
Corrigan	Jadlowiec	Preston	Waugh
Coy	Keller	Raymond	Wogan
Dempsey	Kenney	Readshaw	Wozniak
Dent	King	Reber	Wright, M. N.
DiGirolamo	Lederer	Roberts	Yewcic
Donatucci	Leh	Rohrer	Zimmerman
Druce	Lloyd	Rubley	Zug
Durham	Lynch	Rudy	
Egolf	Maitland	Sather	Ryan,
Fairchild	Major	Saylor	Speaker
Fajt	Marsico		

## NOT VOTING-1

Mihalich

## EXCUSED-3

Cowell

Evans

Reinard

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendment No. A1589:

Amend Sec. 1 (Sec. 9), page 1, line 16, by striking out "unanimous"

Amend Sec. 1 (Sec. 9), page 1, line 16, by inserting after "of"

at least four-fifths of the members of

Amend Bill, page 2, by inserting after line 19

Section 2. (a) Upon the first passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of this proposed constitutional amendment.

(b) Upon the second passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of this proposed constitutional amendment. The Secretary of the Commonwealth shall submit this proposed constitutional amendment to the qualified electors of this Commonwealth at the first primary, general or municipal election occurring at least three months after the proposed constitutional amendment is passed by the General Assembly which meets the requirements of and is



in conformance with section 1 of Article XI of the Constitution of Pennsylvania.

On the question,  
Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes Mr. Cohen from Philadelphia.

Mr. COHEN. Thank you.

Madam Speaker, this constitutional amendment, as it now stands, for the first time requires a unanimous vote of the Board of Pardons in order to pardon somebody who has been convicted of murder.

The problem with requiring a unanimous vote, which we have never required before, is that it sets up a right and does not provide any kind of meaningful remedy to achieve that right. Obviously, with two statewide officials on the board who are going to be very interested in the next election, it is highly unlikely that either the Lieutenant Governor or the Attorney General will at any time vote for any pardon for such a person, and therefore, no pardons will be granted.

Now, that may be a good thing, and if it was the desire of the gentleman, Mr. Piccola, to see that no pardon should be granted for somebody convicted of an especially heinous crime, there would be no legal problem with putting that into law and saying, if you are convicted of murder, there is absolutely no pardon, but Mr. Piccola and others have chosen not to do that. This law says that there shall be pardons. However, it sets up a bureaucratic process which, by the composition of the board, virtually guarantees that no such pardon could occur.

This is the kind of situation that the Federal courts have an awful lot of fun with at our expense, is they determine that there are really rights of people. Nobody is required, for instance, to get a patronage job; nobody has the right to a job that is not a civil service job, but once somebody has a job, the Federal courts have created a right not to be fired for good cause. Nobody has a right for PHEAA (Pennsylvania Higher Education Assistance Agency) grants, for instance, but once we in the State legislature create PHEAA grants, we cannot take them away without good cause, and there are numerous other programs that we are not required to provide benefits, we are not required to provide opportunities, but once we do provide those benefits, once we do provide those opportunities, we have to do them in a real way that actually works.

This amendment requiring unanimous consent will not actually work, and all this amendment is going to do is create huge amounts of litigation, and sooner or later some Federal court is likely to throw it out, and then it is not clear, and it will be up to them to decide what we have.

Throughout the vast majority of our history in Pennsylvania, there were four members on the Pardons Board, and it required a three-fourths vote. When a fifth member of the Pardons Board was created the last time the system was changed in the 1960's, the number of people to grant a pardon remained at three while the number of the board increased to five. So therefore, 30 years ago the percentage required went down from 75 percent to 60 percent. I would suggest that moving it to 80 percent would move us in line with the traditional figure that is needed, would guarantee that somebody could vote "no" and somebody else could still be pardoned.

The fact that unanimous consent is required and the fact that you have elected officials who are interested in running for statewide

office and who fear attack ads means that we have basically set up right without any real remedy to the right. It is not in our interest engage in something that has no real meaning.

Therefore, I urge support of this amendment, which will raise the amount of votes needed on the Pardons Board from 60 percent now to 80 percent. Thank you.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Dauphin County, Mr. Piccola.

Mr. PICCOLA. Thank you, Madam Speaker.

First of all, the arguments advanced by the gentleman in support of his amendment are without foundation.

There is no right, constitutional or otherwise, Federal or State, to a pardon, nor is there a right to a recommendation for a pardon because that is all we are really talking about here.

The pardon power is strictly discretionary with the Governor and can be exercised only when a discretionary recommendation is made by the Board of Pardons. That is the only way it can happen. It does not have to happen, and there is no constitutional or other kind of right to obtain a pardon or a recommendation for a pardon. So for the gentleman to claim this is going to tie up cases in court is simply fallacious. There is no right upon which any litigation could be based.

Secondly, the gentleman indicates that we are precluding people who are simply convicted of murder from getting a pardon. This is about that, Madam Speaker. We are not talking about people who have simply been convicted of murder or a heinous crime. We are talking about people who, by a unanimous jury of 12 of their peers have not only been convicted of this crime but have been sentenced either to death because of their acts or, by a unanimous verdict of their peers, have been sentenced to life in prison. It took a unanimous verdict by a jury to convict and to sentence, and therefore it seems entirely appropriate that in those cases where death or life in prison was the sentence, that a unanimous verdict of the Board of Pardons be required to make that recommendation for pardon to the Governor.

This amendment is contrary to the intent of this bill. It is contrary to what I believe are the good senses of the people of Pennsylvania, and the amendment should be defeated.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Thank you very much, Madam Speaker. Madam Speaker, I rise to support the Cohen amendment.

It always amazes me to hear the gentleman on the other side of the aisle talk about what is constitutionally correct and what is not constitutionally correct. Common sense prevails.

If you are talking about a unanimous vote of a board that is set up for the purpose of being able to be discretionary and also allowed the opportunity to be able to make decisions intelligently, you would want to make sure that everybody is automatically locked into the same thought. But as you would have it, it would be another way to take people's minds, turn them around, and try to convince everybody that for whatever reason, no matter whether or not they are mitigating circumstances or not, that we would in fact make sure that they would never get a pardon.

Well, there are mitigating circumstances in every situation. None. In fact, we have some situations in this Commonwealth where age prevailed and illness prevailed and pardons were given to individuals for them to go home and die in peace. There have been cases where other individuals, for an example, because of the nature of the situation, that they found out later on that those individuals in fact did not commit the crime and had to present a pardon for the



individuals so that they could be able to go home because there was a mistake made by that so-called unanimous jury that you just got finished talking about because they had erroneous information.

But what always amazes me is that there is never any room for doubt; there is never any room for maneuverability to allow a person an opportunity to in fact be given that opportunity to be considered fairly. So what you have designed here is an opportunity to create a kangaroo pardon board that only does what you tell them to do, that is swayed and directed by those who would be the operatives to allow them to go on and do what they do. But Mr. Cohen, in his wisdom, came up with a suggestion that said, perhaps maybe four-fifths of the members as opposed to unanimous may be a way in which to go since you do not agree with three. Therefore, it would not allow the people who are presently sitting on the board to be allowed automatically to feel that every time there is a situation that comes up where there may be a shadow of a doubt, where there may be a question— Thirty or forty years inside an institution. We know; we have one of the toughest States in the United States, this Commonwealth, when it deals with the death penalty, and life means life in Pennsylvania. So it does not change. So every single time it amazes me to hear the gentleman raise the points that he does without any other consideration.

I just wanted to say that we do not condone murder, but we also know that there are situations that have existed in this Commonwealth that have resulted in individuals having a right to be pardoned, and certainly the way the Pardons Board is set up now, that will never ever happen, and I believe this will be challenged in court once this passes, and then you will agree later on that you all made a mistake again.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, for the second time.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, Mr. Piccola and I have areas of agreement and areas of disagreement on the constitutionality of this law. We both agree that there is no inherent right to pardon, and the State legislature, if we wanted to, could totally abolish the right to pardon. Now, we could say nobody convicted of any crime or nobody convicted of any crime whatsoever has the right to be pardoned. We could do that; I do not challenge we could do that. If we did it, there would be no legal problem at either the State or the Federal levels.

The question is, can we set up the system like we are setting up in this bill, where we say there is a right to be considered for a pardon by setting up the structure in which people can be considered for a pardon; then we put elected officials on the board who are very likely to never vote for anybody to be pardoned. And so then, eventually, over time what will happen is, if Mr. Piccola's goal works, will be that there will be a whole series of votes and 2, 3, 4, 5 years will go by and nobody at all will be pardoned, and then people will say, this system is rigged and this system violates due process of law, and if a Federal court determines that a system requiring a unanimous vote and having two elected officials on the board violates due process of law, then the whole thing will be thrown out and it will be up to the Federal court to provide a remedy.

I think this is a real problem. I think this amendment is a real solution. I urge your support.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—51

Bebko-Jones	Dermody	Markosek	Roebuck
Bishop	DeWeese	Melio	Shaner
Boscola	Haluska	Mihalich	Steelman
Caltagirone	Horsey	Nickol	Stetler
Cappabianca	Itkin	Oliver	Sturla
Carn	James	Pesci	Tangretti
Cawley	Jarolin	Petrarca	Thomas
Cohen, M.	Josephs	Pistella	Tigue
Colafella	Kirkland	Ramos	Trello
Colaizzo	Kukovich	Richardson	Washington
Corpora	Laughlin	Rieger	Williams
Curry	Levdansky	Roberts	Youngblood
Daley	Manderino	Robinson	

## NAYS—147

Adolph	Fargo	Lynch	Schroder
Allen	Farmer	Maitland	Schuler
Argall	Feese	Major	Scrimenti
Armstrong	Fichter	Marsico	Semmel
Baker	Fleagle	Masland	Serafini
Bard	Flick	Mayernik	Sheehan
Barley	Gamble	McCall	Smith, B.
Battisto	Gannon	McGeehan	Smith, S. H.
Belardi	Geist	McGill	Snyder, D. W.
Belfanti	George	Merry	Staback
Birmelin	Gigliotti	Michlovic	Steil
Blaum	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stish
Brown	Gordner	Mundy	Strittmatter
Browne	Gruitza	Nailor	Surra
Bunt	Habay	Nyce	Taylor, E. Z.
Butkovitz	Hanna	O'Brien	Taylor, J.
Buxton	Harhart	Olasz	Travaglio
Carone	Hasay	Perzel	Trich
Chadwick	Hennessey	Petrone	True
Civera	Herman	Pettit	Tulli
Clark	Hershey	Phillips	Vance
Clymer	Hess	Piccola	Van Horne
Cohen, L. I.	Hutchinson	Pitts	Veon
Conti	Jadlowiec	Platts	Vitali
Cornell	Kaiser	Preston	Walko
Corrigan	Keller	Raymond	Waugh
Coy	Kenney	Readshaw	Wogan
DeLuca	King	Reber	Wozniak
Dempsey	Krebs	Rohrer	Wright, D. R.
Dent	LaCrotta	Rooney	Wright, M. N.
DiGirolamo	Lawless	Rubley	Yewcic
Donatucci	Lederer	Rudy	Zimmerman
Druce	Leh	Sainato	Zug
Durham	Lescovitz	Santoni	
Egolf	Lloyd	Sather	Ryan,
Fairchild	Lucyk	Saylor	Speaker
Fajt			

## NOT VOTING—2

Gruppo                      Stairs

## EXCUSED—3

Cowell                      Evans                      Reinard

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Richardson.

Mr. RICHARDSON. I was not compelled earlier to speak on this until I heard the remarks made by the gentleman on the other side of the aisle, and I felt that it was important that at least for the record, since we will never win any of these votes, that it should be at least shared with the public in terms of how we can best describe some of these issues.

SB 4 changes the composition of the Board of Pardons and adds the requirement that in cases of life imprisonment or a death sentence, a pardon cannot be granted without the unanimous recommendation of the board. This bill can best be characterized as a reactionary and ineffective response to the McFadden case that caused Mark Singel to lose his lead in the Governor's race here in Pennsylvania. Politically motivated by his own gubernatorial aspirations, Attorney General Ernie Preate, the only one of five board members to oppose the McFadden recommendation, led the call for a constitutional amendment requiring unanimous commutation decisions.

It is important to note out three things. The bill does nothing to address the problem illustrated by the McFadden case which arose after the board made its recommendation. Reginald McFadden left prison without going through a prerelease program and was unsupervised while on probation. The bill does not provide for additional resources for parole officers, nor does it provide for funding for expansion and upgrading of prerelease programs.

Number two, it is clear that Senator Fisher stated that the purpose of his bill is to "clarify that a life sentence in this state means life in prison...." That comment appeals to the public belief that convicted murderers are routinely set free after serving a short sentence, while in fact without this political grandstanding and the danger created by needlessly amending the State Constitution, Pennsylvania is one of the toughest States in the Nation, where life in prison means exactly that. Only 8 pardons out of the 2,614 lifers in prison last year were granted by the Governor during his last term in office. Those pardons were granted for good cause, such as advanced age, severe illness, or evidence indicating that the prisoner was wrongly convicted. I noticed without question that there was no mention of that after we made the comment. It never is when you tell the truth.

Number three is the actual effect of the SB 4 provision requiring a unanimous recommendation would be to eliminate the possibility of receiving a pardon. Two board members, the Attorney General and the Lieutenant Governor, are politicians who may not risk consequences faced by Lieutenant Governor Singel, at the time, during the last election. And considering political motivation, the prime sponsor's stated purpose, and the actual effect of the bill, the bill analysis should simply state that SB 4 does away with the Board of Pardons, period, and should be termed as in fact a "kangaroo board" for all people in the Commonwealth of Pennsylvania to go before, because there never will be any justice.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

## YEAS—177

Adolph	Fajt	Maitland	Schroder
Allen	Fargo	Major	Schuler
Argall	Farmer	Markosek	Scrimenti
Armstrong	Feese	Marsico	Semmel
Baker	Fichter	Masland	Serafini
Bard	Fleagle	Mayernik	Shaner
Barley	Flick	McCall	Sheehan
Battisto	Gamble	McGeehan	Smith, B.
Bebko-Jones	Gannon	McGill	Smith, S. H.
Belardi	Geist	Melio	Snyder, D. W.
Belfanti	George	Merry	Staback
Birmelin	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boyes	Godshall	Miller	Steil
Brown	Gordner	Mundy	Stern
Browne	Gruitza	Nailor	Stetler
Bunt	Gruppo	Nickol	Stish
Butkovitz	Habay	Nyce	Strittmatter
Buxton	Haluska	O'Brien	Sturla
Caltagirone	Hanna	Olasz	Surra
Cappabianca	Harhart	Perzel	Tangretti
Carone	Hasay	Pesci	Taylor, E. Z.
Cawley	Hennessey	Petrarca	Taylor, J.
Chadwick	Herman	Petrone	Tigue
Civera	Hershey	Pettit	Trello
Clark	Hess	Phillips	Trich
Clymer	Hutchinson	Piccola	True
Cohen, L. I.	Jadlowiec	Pistella	Tulli
Colafella	Jarolin	Pitts	Vance
Colaizzo	Josephs	Platts	Van Horne
Conti	Kaiser	Preston	Vitali
Cornell	Keller	Raymond	Walko
Corrigan	Kenney	Readshaw	Waugh
Coy	King	Reber	Wogan
Daley	Krebs	Rieger	Wozniak
DeLuca	LaGrotta	Roberts	Wright, D. R.
Dempsey	Laughlin	Robinson	Wright, M. N.
Dent	Lawless	Rohrer	Yewcic
Dermody	Lederer	Rooney	Youngblood
DiGirolamo	Leh	Rubley	Zimmerman
Donatucci	Lescovitz	Rudy	Zug
Druce	Levdansky	Sainato	
Durham	Lloyd	Santoni	Ryan,
Egolf	Lucyk	Sather	Speaker
Fairchild	Lynch	Saylor	

## NAYS—23

Bishop	DeWeese	Manderino	Thomas
Boscola	Horsey	Mihalich	Travaglio
Carn	Itkin	Oliver	Veon
Cohen, M.	James	Ramos	Washington
Corpora	Kirkland	Richardson	Williams
Curry	Kukovich	Roeback	

## NOT VOTING—0

## EXCUSED—3

Cowell	Evans	Reinard
--------	-------	---------

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

\* \* \*

The House proceeded to third consideration of **SB 12, PN 12**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for bail.

On the question,  
Will the House agree to the bill on third consideration?

Mr. **VEON** offered the following amendment No. **A1515**:

Amend Sec. 1 (Sec. 14), page 1, line 11, by inserting after "unless" the prisoner is charged with an offense which is graded as a felony of the first degree and

On the question,  
Will the House agree to the amendment?

#### AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Beaver, Mr. Veon.

Mr. VEON. Thank you, Madam Speaker.

I am withdrawing that amendment.

The SPEAKER pro tempore. Thank you very much.

On the question recurring,  
Will the House agree to the bill on third consideration?

Mr. **FEESE** offered the following amendment No. **A1576**:

Amend Sec. 1 (Sec. 14), page 1, lines 10 and 11, by striking out "for which the maximum sentence is death or life imprisonment" and inserting or for offenses for which the maximum sentence is life imprisonment

On the question,  
Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Feese.

Mr. FEESSE. Thank you, Madam Speaker.

Madam Speaker, the intent of the Senate bill is to make certain offenses not bailable.

Under the Constitution as it exists now, capital offenses — that is, offenses for which the death penalty may be imposed — are not bailable. The intent of the Senate bill was to include within that category of offenses offenses for which life imprisonment could be imposed; that is, first-degree murder, when there are no aggravating circumstances, or second-degree murder, which we commonly refer to as "felony murder."

The bill, however, as it is drafted does not achieve that purpose, so this amendment is merely to clarify that that is in fact the purpose, and it is agreed to by Senator Fisher, who is the prime sponsor of the bill in the Senate.

Thank you, Madam Speaker.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—192

Adolph	Fajt	Manderino	Schuler
Allen	Fargo	Markosek	Scrimenti
Argall	Farmer	Marsico	Semmel
Armstrong	Feese	Masland	Serafini
Baker	Fichter	Mayernik	Shaner
Bard	Fleagle	McCall	Sheehan
Barley	Flick	McGeehan	Smith, B.
Battisto	Gamble	McGill	Smith, S. H.
Bebko-Jones	Gannon	Melio	Snyder, D. W.
Belardi	Geist	Merry	Staback
Belfanti	George	Michlovic	Stairs
Birmelin	Gigliotti	Micozzie	Steelman
Blaum	Gladeck	Mihalich	Steil
Boscola	Godshall	Miller	Stern
Boyes	Gordner	Mundy	Stetler
Brown	Gruitza	Nailor	Stish
Browne	Gruppo	Nickol	Strittmatter
Bunt	Habay	Nyce	Sturla
Butkovitz	Haluska	O'Brien	Surra
Buxton	Hanna	Olasz	Tangretti
Caltagirone	Harhart	Perzel	Taylor, E. Z.
Cappabianca	Hasay	Pesci	Taylor, J.
Carone	Hennessey	Petrarca	Thomas
Cawley	Herman	Petrone	Tigue
Chadwick	Hershey	Pettit	Travaglio
Civera	Hess	Phillips	Trello
Clark	Hutchinson	Piccola	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	Jadlowiec	Pitts	Tulli
Cohen, M.	James	Platts	Vance
Colafella	Jarolin	Preston	Van Horne
Conti	Kaiser	Ramos	Veon
Cornell	Keller	Raymond	Vitali
Corpora	Kenney	Readshaw	Walko
Corrigan	King	Reber	Washington
Coy	Krebs	Rieger	Waugh
Curry	Kukovich	Roberts	Williams
Daley	LaGrotta	Robinson	Wogan
DeLuca	Laughlin	Roebuck	Wozniak
Dempsey	Lawless	Rohrer	Wright, D. R.
Dent	Lederer	Rooney	Wright, M. N.
Dermody	Leh	Rubley	Yewcic
DeWeese	Lescovitz	Rudy	Youngblood
DiGirolamo	Levdansky	Sainato	Zimmerman
Donatucci	Lloyd	Santoni	Zug
Druce	Lucyk	Sather	
Durham	Lynch	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker
Fairchild	Major		

#### NAYS—4

Bishop	Horsey	Oliver	Richardson
--------	--------	--------	------------