



Summary of HB 2634 (Rep. Kail) Modify Imprisonment for Reasons of Illness (based on federal law, 18 U.S.C. § 3582(c)(1), (d))

The proposed bill: If passed, [HB 2634](#) would model portions of President Trump’s federal [First Step Act](#) in creating a mechanism for sick incarcerated people in Pennsylvania prisons and jails to petition the original sentencing court for release. The bill would also apply to those with extraordinary family hardship. It requires prison staff to be trained on these laws and assist incarcerated people in the process. It requires prisons to provide relevant records, notify families of a loved one’s terminal medical diagnosis, facilitate quick visitation after a terminal diagnosis, and track statistics about these types of release for the legislature to review yearly.

Applicability: The bill would apply to incarcerated people in Pa. prisons who have a qualifying serious medical issue or impairment, *e.g.* terminal illness, or have an extraordinary and compelling family hardship (*e.g.* the death or incapacitation of the caretaker of the person’s minor children).

What the bill would do: [HB 2634](#) would provide an opportunity for sick, incarcerated people in Pa. prisons, or those with extraordinary and compelling family circumstances, to petition the court for release. If passed, it would allow prisons, prosecutors, incarcerated people, and their families to petition the original sentencing court (in retroactive and prospective cases) for release due to **medical necessity or extraordinary and compelling family hardship**, including people who have a:

- Substantially diminished ability to function in prison due to a terminal illness, chronic and debilitating condition, serious functional or cognitive impairment, or physical or mental deterioration due to aging.
- Minor child or children, and the caretaker has died or is physically or mentally incapacitated.
- Spouse or partner who is physically or mentally incapacitated, and the incarcerated person is the only available caregiver.

None of the provisions are mandatory; meaning the court retains full discretion over each individual case to grant or deny release, and can weigh *all* appropriate factors including the type of medical condition or family hardship, position of the victim(s), home plan, nature and circumstances of the offense, time incarcerated, age, prison disciplinary record and record of rehabilitation, etc. Similar to Pa.’s existing law, there is no time served minimum because a person can be stricken with terminal or serious illness at any point in the sentence.

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