

# City of Philadelphia



Council of the City of Philadelphia  
Office of the Chief Clerk  
Room 402, City Hall  
Philadelphia

(Resolution No. 260319)

## RESOLUTION

Recognizing *Commonwealth v. Derek Lee* (2026), the Pennsylvania Supreme Court’s landmark decision striking down Pennsylvania’s outdated felony murder law; and calling on the Pennsylvania General Assembly to pass SB387 reforming Pennsylvania’s unconstitutional felony murder law.

WHEREAS, Pennsylvania mandates lifetime imprisonment without the possibility of parole for individuals convicted of Second-Degree Murder regardless of their level of involvement in said murder. Known as “felony murder,” more than 1,100 Pennsylvanians are currently serving life sentences under this crime statute; and

WHEREAS, Nearly half of felony murder convicts in Pennsylvania are over 50 years old, many having served decades in prison. This rigid sentencing structure denies any consideration of rehabilitation, change, or individual circumstances. It disproportionately impacts communities of color and contributes to excessive incarceration without improving public safety, consigning those convicted to “death by incarceration”; and

WHEREAS, Under current law, a person who never took a life could be sentenced to death by incarceration simply because they were present during a crime that resulted in a tragic death. At its most absurd and unjust, Pennsylvania’s felony murder law could result in the individual who committed the murder attaining a reduced sentence based off a claim of provocation, while the person simply present at the scene of the crime has no extenuating legal claim to reduce their sentence from life without parole; and

WHEREAS, The need for reform is clear, which is why bipartisan legislation has been repeatedly introduced before the Pennsylvania General Assembly to reform the state’s felony murder law by establishing individualized review for felony murder, and allowing for parole eligibility after 25 years. SB387, the latest iteration of such actions, now takes on a new sense of urgency; and

WHEREAS, On March 26, 2026, the Pennsylvania Supreme Court ruled in *Commonwealth v. Derek Lee* that the state’s felony murder law is an unconstitutional violation of Article I, Section

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13 of the Pennsylvania Constitution, which is modeled after the Eighth Amendment of the U.S. Constitution protecting citizens of Pennsylvania against “cruel punishments”; and

WHEREAS, The high court acknowledged what families, advocates, and lawmakers have long understood: that justice must be proportional to the crime committed, and the law must allow for circumstantial review. Derek Lee’s sentence was thrown out, and the landmark ruling could lead to the largest resentencing effort in the history of the Commonwealth; and

WHEREAS, The Supreme Court of Pennsylvania customarily issued a stay of the state’s felony murder law for 120 days to allow for the Pennsylvania General Assembly to act to remedy the imbalance between state law and court jurisprudence. Now is the time for the Pennsylvania Senate to consider SB387, and for the Pennsylvania House of Representatives to concur it to the Governor’s desk as we work towards a justice system that is more proportional, more rational, and more humane; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it recognizes *Commonwealth v. Derek Lee (2026)*, the Pennsylvania Supreme Court’s landmark decision striking down Pennsylvania’s outdated felony murder law; and calls on the Pennsylvania General Assembly to pass SB387 reforming Pennsylvania’s unconstitutional felony murder law

FURTHER RESOLVED, That an Engrossed copy of this Resolution be presented to the Office of State Senator Sharif Street in recognition of his advocacy on the issue of sentencing reform.

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*RESOLUTION NO. 260319 continued*

CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the sixteenth day of April, 2026.

Kenyatta Johnson  
PRESIDENT OF THE COUNCIL

Elizabeth McCollum  
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Harrity

Sponsored by: Councilmembers Harrity, Phillips, Gauthier, Jones, Brooks,  
Squilla and Ahmad