

Commonwealth v. Lee: A Victim-Centered Perspective on Sentencing, Accountability, and the Rights of Homicide Survivors

Why sustainable victim-service funding matters more after Commonwealth v. Lee

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Pennsylvania has created statutory rights for crime victims and has assigned public agencies and local victim-service organizations responsibility for making those rights meaningful. Commonwealth v. Lee adds a new wave of sentencing, resentencing, notification, advocacy, and parole-related demands at the same time that the victim-service system faces unstable funding. The Commonwealth should fund the infrastructure necessary to keep the promises it has already made.

Executive Summary

Pennsylvania's Crime Victims Act recognizes victims as participants in the justice system, not merely witnesses to it. Victims have rights to information, notification, accompaniment, input at sentencing and post-sentencing stages, compensation information, and—since Act 77 of 2022—a clearer statutory path to assert and enforce those rights. PCCD explicitly states that local agencies receive funding to ensure these rights and services are delivered. [1]

The Pennsylvania Supreme Court's March 26, 2026 decision in Commonwealth v. Lee creates an additional implementation challenge. The Court held that mandatory life without parole for every second-degree murder conviction, without an individualized assessment of culpability, violates Article I, Section 13 of the Pennsylvania Constitution. The Court did not abolish life without parole, did not guarantee parole or release, and did not decide whether its ruling applies retroactively. It vacated Derek Lee's sentence, required individualized resentencing, and stayed its mandate for 120 days to allow legislative action. [2]

That stay expired July 24, 2026. The General Assembly considered competing legislation, including Senate Bill 1400 and House proposals, but no final remedial statute was enacted by the deadline. SB 1400 passed the Senate and was referred to the House Judiciary Committee. [3] The practical result is continuing legal uncertainty alongside potentially significant new work for courts, prosecutors, the Office of Victim Advocate, parole authorities, and community-based victim-service organizations.

The Commonwealth's Existing Commitments to Victims

- Information and notification. Victims are entitled to information about available services and compensation and notice of significant case events, including specified court and post-sentencing developments. [1]
- Voice and participation. Victims may provide input into sentencing and post-sentencing decisions and receive help preparing victim impact statements. [1]
- Accompaniment and support. Victims may be accompanied at criminal proceedings by a family member, victim advocate, or support person. [1]
- Legal standing. Act 77 of 2022 expressly strengthened victims' ability to independently assert and seek enforcement of statutory rights. [1]
- Access to services. PCCD funds local programs to provide advocacy, victims' rights information, transportation, civil legal services, counseling, shelter, relocation, and related services. [4]
- Statewide access and quality. PCCD's Victims' Services Advisory Committee identifies statewide access to core victim services as a formal goal, and PCCD maintains consolidated service standards for funded programs. [5]

Core policy principle: A statutory right is only as meaningful as the system’s capacity to deliver it.

Commonwealth v. Lee: What the Court Actually Held

In Lee, the Supreme Court addressed Pennsylvania’s mandatory sentencing structure for second-degree murder (felony murder). Derek Lee was convicted after participating in an armed home-invasion robbery during which an accomplice shot and killed Leonard Butler. Lee was convicted of second-degree murder and, under then-existing statutes, received mandatory life imprisonment without parole. [2]

The Court concluded that automatically imposing the Commonwealth’s harshest form of incarceration on every person convicted of second-degree murder—without individualized consideration of culpability, participation, characteristics, and offense circumstances—creates too great a risk of disproportionate punishment and violates Pennsylvania’s constitutional prohibition on “cruel punishments.” [2]

What Lee does—and does not—mean

The decision does	The decision does not
Require individualized culpability assessment before LWOP may be imposed for second-degree murder.	Automatically release anyone convicted of second-degree murder.
Permit a resentencing court, after individualized review, to impose LWOP or a life maximum with a court-determined minimum.	Eliminate life without parole as a possible sentence.
Allow the General Assembly to enact a constitutional replacement sentencing framework.	Decide the retroactive effect of the ruling for all previously final cases.
Create potential downstream sentencing and parole-related proceedings in affected cases.	Guarantee that a person who becomes parole-eligible will be granted parole.

Why Lee Has a Direct Victim-Services Impact

Lee is fundamentally a sentencing case, but its implementation has direct consequences for victims and survivors. Each additional sentencing, resentencing, parole-eligibility, or parole-review proceeding can trigger rights to notice, participation, victim impact input, safety planning, accompaniment, and explanation of unfamiliar legal processes. Those functions are not self-executing; they require trained people and coordinated systems.

- Homicide survivors may be asked to revisit traumatic facts years or decades after a conviction, often with little warning and with changed family circumstances.
- Victim advocates will need to explain the difference between resentencing, parole eligibility, and actual release—distinctions that are legally important and emotionally consequential.
- Prosecutors, courts, OVA, DOC, the Parole Board, and community-based providers will need reliable victim contact information and coordinated notification procedures.
- Victims may need help preparing new or updated impact statements and may need accompaniment for hearings or parole proceedings.
- Some survivors will support continued incarceration; others may support mercy, parole eligibility, or restorative outcomes. A victim-centered system must support informed participation regardless of the position a survivor takes.

- Because the Supreme Court expressly declined to decide retroactivity, litigation over who is eligible for relief may itself generate uncertainty and repeated contact with survivors. [2]

Lee should not be framed as a conflict between constitutional sentencing and victims' rights. Pennsylvania can honor both. The policy failure would be changing sentencing law without funding the victim-facing infrastructure required to implement that change responsibly.

The Funding Disconnect

Pennsylvania itself recognizes that local victim-service agencies are the delivery system for many of the services that make statutory rights real. PCCD states that its Office of Victims' Services funds local programs for direct services including advocacy, victims' rights information, counseling, shelter, transportation, relocation, and civil legal services. [4] Yet much of this infrastructure remains dependent on federal VOCA funding and other variable revenue streams.

Act 77 created the Local Victim Services Fund and dedicated 70% of qualifying court costs above the first \$60 to county victim services. In 2025, PCCD broadened guidelines so these funds could support VOCA-eligible services. [6] This is an important tool, but court-cost collections are not a substitute for a predictable statewide base appropriation capable of sustaining staffing, 24/7 response, specialized homicide-survivor advocacy, and the additional workload generated by major changes in sentencing and parole law.

Policy Recommendation

Pennsylvania should establish a stable, recurring state appropriation for community-based and system-based victim services tied to the Commonwealth's statutory obligations and to the operational demands created by major criminal-justice changes such as Lee.

A four-part state response

- Protect core capacity. Establish a recurring state funding floor sufficient to preserve essential victim-service staffing and statewide access when federal VOCA revenue declines.
- Fund the Lee implementation workload. Any legislation responding to Lee should include a victim-services fiscal component for notification, locating survivors, advocacy, accompaniment, updated impact statements, travel, interpretation, technology, and trauma-informed support.
- Create a coordinated victim-notification protocol. Require PCCD, OVA, DOC, the Parole Board, prosecutors, and courts to develop consistent procedures for identifying affected cases, locating victims, explaining proceedings, and documenting rights compliance.
- Measure whether rights are actually delivered. Require statewide reporting on notice, participation, service demand, unmet need, staffing capacity, and costs associated with resentencing and parole proceedings—without compromising victim privacy.

Recommended Legislative Message

Federal funding may fluctuate. Court decisions may change sentencing. Pennsylvania's commitment to victims should not.

The strongest budget argument is therefore not simply that victim-service organizations need more money. It is that Pennsylvania has already chosen—through statute, policy, and institutional design—to promise victims

information, participation, safety, dignity, advocacy, and meaningful access to the justice system. The Commonwealth should now fund the infrastructure required to keep those promises, including the additional obligations created when sentencing rules change.

Near-Term Action Items for Policymakers

- Attach a victim-impact implementation analysis and dedicated funding to any final Lee remedial legislation.
- Direct PCCD and OVA to estimate statewide victim-service workload arising from second-degree murder resentencing and parole eligibility changes.
- Appropriate recurring General Fund dollars for core victim services rather than relying primarily on federal fluctuations and court-cost revenue.
- Ensure any new parole process preserves meaningful victim notice, the opportunity to submit statements or testimony, and trauma-informed assistance before and during proceedings.
- Include community-based victim-service providers in implementation planning because they will absorb substantial survivor-facing work that does not occur inside the courtroom.

Conclusion

Commonwealth v. Lee requires Pennsylvania to rethink how it sentences people convicted of second-degree murder. It does not require Pennsylvania to retreat from its commitments to victims. The Commonwealth can comply with constitutional sentencing requirements while strengthening notice, voice, safety, support, and meaningful participation for survivors. Doing both requires stable capacity.

Center for Victims policy position: Pennsylvania should pair any criminal-justice reform that creates new victim-facing proceedings with the resources necessary to ensure victims' statutory rights are timely, understandable, enforceable, and supported in practice.

Sources and Authorities

1. Pennsylvania Commission on Crime and Delinquency, "Victims' Rights," including Crime Victims Act rights and Act 77 legal standing, pa.gov (accessed August 2026).
2. Commonwealth v. Lee, 3 WAP 2024, Supreme Court of Pennsylvania, decided March 26, 2026, 2026 WL 855614. Majority opinion: mandatory LWOP for all second-degree murder convictions without individualized culpability assessment violates Pa. Const. art. I, § 13; sentence vacated; 120-day stay; retroactivity not decided.
3. Pennsylvania General Assembly, Senate Bill 1400, 2025-2026 Regular Session. Passed Senate June 25, 2026; referred to House Judiciary June 26, 2026. Legislative status reviewed August 2026.
4. Pennsylvania Commission on Crime and Delinquency, Office of Victims' Services, "Victims Services," describing funding for direct local services including advocacy, rights information, transportation, civil legal services, counseling, shelter, and relocation.
5. Pennsylvania Commission on Crime and Delinquency, Victims' Services Advisory Committee and Consolidated Victim Service Program Standards, pa.gov.
6. Pennsylvania Commission on Crime and Delinquency, "OVS Funding," Local Victim Services Fund; Act 77 funding structure and 2025 guideline revisions.
7. Pennsylvania District Attorneys Association, July 24, 2026 statement reporting that the General Assembly did not reach agreement on a Lee response before the court-imposed deadline.

Note: This brief is policy analysis, not legal advice. Because Lee expressly left retroactivity unresolved and legislative activity remains ongoing, case-specific legal effects should be confirmed against current law and court orders.