

# Judiciary Committee UPDATE

State Representative

# TIM BRIGGS

## 149th Legislative District



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## ABOUT THE

### Judiciary Committee

It was my honor to be reappointed this legislative session to serve as Democratic Chairman of the House Judiciary Committee, a role I was first appointed to in 2019.

The Judiciary Committee reviews bills pertaining to law enforcement and corrections and provides oversight to numerous state agencies including the Pennsylvania State Police, the Attorney General's Office, State Ethics Commission, Pennsylvania Commission on Crime and Delinquency, and more. The committee is tasked with evaluating prison staffing and inmate populations and housing conditions.

The committee regularly reviews legislation related to some of the most serious issues facing our commonwealth, including gun safety and the criminal justice system.

## FIGHTING FOR JUSTICE

In October, Gov. Tom Wolf announced that Pennsylvania's prison population is the lowest it's been in 20 years.

Reaching that milestone reflects efforts to reduce the prisons' population during the COVID-19 pandemic, as well as work on criminal justice reform.

During Gov. Wolf's tenure, we've made great strides on reform – for example, passing the first 'Clean Slate' bill to help individuals who have paid their debt to society get back on the right track.

But we have a long way to go and continue to face an uphill battle against the overcriminalization of our system.

In 1972, the Pennsylvania Crimes Code consisted of 282 offenses, by 2010 it had grown to 636 offenses, and by 2020 it ballooned to over 1,500 criminal offenses and is growing every session.

Republicans in the legislature seem to want to stick it to the accused. We see legislation to create new offenses and increase penalties through sentencing enhancements and adding mandatory minimums.



The 'tough on crime' approach is failed policy, and it's not justice. Research shows mandatory minimums do not deter crime or decrease recidivism and they limit judicial discretion.

In fact, if we invested more in diversionary programs, we would see additional reductions in prison populations and additional savings.

For example, if we diverted individuals with mental illness, autism, or other intellectual disabilities to treatment instead of prison, these people would get the help they need and get back to being productive citizens sooner. Unfortunately, one-fourth of Pennsylvania prison inmates suffers from mental illness.

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Moreover, we need to reform our archaic bail system. Recently, the Republicans pushed another special interest agenda item to eliminate any competition to the extortionary bail bonds industry. They sought to eliminate nonprofit community bail funds, and we fought them tooth and nail. We elevated the issue publicly and to the point where the governor voiced his public opposition to the bill and has promised to veto it if it reaches his desk.

The United States is one of only two nations in the world that use cash bail. Cash bail allows people with financial means to purchase their freedom, while those without means remain incarcerated. Freedom from incarceration in the U.S. and in Pennsylvania often depends on one's wealth. Nationally, 74% of people held in jail have not been convicted of any crime. And in 2015, pretrial detainees constituted 62% of the total jail population in Pennsylvania. Even after only a few days in jail, people can lose their employment, their housing, custody of their children, and sometimes their lives.

We need to keep fighting to improve the lives of our citizens and not fall for the desires of every special interest with a deep pocket looking to rig the system for their own personal gain, like the House majority has done for over a decade.



## GUN SAFETY REFORM

This fall, the Judiciary Committee unanimously approved HB 1564, a bill that takes a very small step towards commonsense gun safety reform.

Under current law, an individual can lose their ability to lawfully possess a firearm if convicted of certain offenses. But the law only applies to what are called "completed" crimes, and fails to include offenses of attempt, conspiracy or solicitation to commit those offenses.

This bill would fix that by amending the Uniform Firearms Act to prohibit individuals convicted of attempt, conspiracy or solicitation related to enumerated offenses from lawfully possessing a firearm.

This bill is by no means ideal for those of us that want real gun reform, but considering the current makeup of the General Assembly, it is a step in the right direction.

And we've seen steps in the wrong direction, too.

In November, in typical fashion, the majority chairman called an immediate meeting to advance a dangerous bill, without providing an opportunity for the committee to offer amendments or even read the bill before the meeting, just hours after the Senate had sent it to the House.

The bill would remove the requirement that someone possess a license to carry a concealed firearm or hide a firearm on their person or in their car. The bill also would allow anyone to carry a firearm openly on the streets of Philadelphia.

I was disappointed to see the Judiciary Committee called to consider the bill with no notice to the members or public. Gov. Wolf had already said he'd veto the bill, which he did in early December.

Gun violence is at a crisis level in Pennsylvania, and the Judiciary Committee should be having a real conversation on this critical issue. Instead, the majority party wants to continue to politicize these issues. There are many other measures our committee should be advancing, but they've not been called up.

I will not stop advocating for real reform, but unfortunately the only hope we have to pass responsible firearm reforms, such as regulating ghost guns, universal background checks, lost and stolen reporting requirements, safe storage, and an extreme risk protection bill, is to change the makeup of the legislature.

# OPIOID CRISIS CONTINUES

Pennsylvania's opioid crisis is by no means over, yet in August, the governor's opioid disaster declaration was allowed to expire because the legislature did not act.

Because of a constitutional amendment adopted through the May primary, the General Assembly's approval is now required to extend a disaster declaration beyond 21 days. Republican leaders refused to bring up legislation to extend the opioid declaration further.

Last year, more than 5,000 individuals died in Pennsylvania from overdose, a 16% increase from 2019.

*I participated in the Pennsylvania Orthopaedic Society's Opioid Symposium to discuss the opioid crisis and what we can do in the legislature to help combat it.*



Without the disaster declaration, we'll need to work even harder to make sure we are giving our health care, social services and law enforcement agencies, and emergency responders the tools they need to help individuals struggling with addiction.

This fall, we passed legislation – now signed into law by Gov. Wolf – to extend and improve the prescription drug monitoring program, a critical tool in helping to track and control opioid abuse. This legislation also enables critical information-sharing to continue among state agencies fighting the opioid crisis.

## SERVING ON THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

I'm proud to have been appointed to serve on the Pennsylvania Commission on Crime and Delinquency, an organization that works to make our commonwealth a safer, more supportive place to live.

PCCD works to improve our justice system, keep our schools and neighborhoods safe, provide resources to victims of crime, and more.

Providing support for effective, community-led gun violence prevention efforts is one of the commission's top priorities.

In addition to the School Safety and Security Committee within PCCD, tasked with performing school safety and security assessments, issuing a survey to school entities to measure school safety and security preparedness, and administering grants, the commission announced in September that \$24 million would be available in Violence Intervention and Prevention funding. This funding was a bright spot in the 2021-22 budget passed over the summer. These grants are aimed at supporting local intervention and prevention measures to stop gun and group violence in areas experiencing high rates of violent crime. In early December, funding was awarded to 40 efforts around the state.

We know that gun violence is plaguing far too many of our communities. Local efforts can make a huge difference in stopping the violence, and I look forward to these awards supporting those efforts.



*This fall, I participated in an online meeting with Lower Merion students and the Sandy Hook Promise team. We discussed gun violence as well as a proposed bill to add training in school for students in grades 6-12 on suicide prevention, violence prevention and social inclusion. During the pandemic, I've had many virtual meetings with constituents about the issues that are important to them.*

# 'IT'S ON US' LEGISLATION PACKAGE

This fall, a package of legislation was announced that aims to strengthen protections for students and combat sexual assault on campus.

The package, which I am cosponsoring, builds on Gov. Tom Wolf's 'It's On Us PA' initiative and includes four bills that would help keep students safe.

- **HB 1489** – would create a 'yes means yes' law that requires all postsecondary institutions to have policies with clear standards of what is and is not consent.
- **HB 1699** – would require schools to inform victims of on-campus crime of their rights and services and to provide protective accommodations or protective measures if requested by the victim.
- **HB 1490** – would require the Pennsylvania Department of Education to use the materials and resources available to them to assist schools with educating 7-12 grade students on how to identify and prevent dating violence, sexual assault, sexual harassment, and stalking.
- **HR 108** – would direct the Joint State Government Commission to study sexual assault, dating violence, domestic violence and stalking in grades 6-12 and postsecondary institutions.



*Talking with House Democratic Whip Jordan Harris, chairman of the Criminal Justice Caucus.*



## WORKING TO BETTER ADDRESS ENVIRONMENTAL JUSTICE

In late October, Gov. Wolf announced efforts to better address environmental justice and support low-income communities and communities of color that are adversely impacted by environmental issues.

The governor's executive order permanently establishes an Office of Environmental Justice within the Department of Environmental Protection, and also formally establishes the Environmental Justice Advisory Board and an Environmental Justice Interagency Council.

Legislation has been proposed by my colleagues to codify the office and the advisory board, and to require a more transparent and open process before certain facilities are built or expanded in certain communities.

All of us in Pennsylvania have the right to clean air and water, and it's wrong and blatantly unfair that some of our more vulnerable communities are disproportionately burdened with the adverse health and other environmental effects. We have to work harder to protect them and our environment, and I'm committed to doing so.

## COMMITTEE ADVANCES IMPEACHMENT RESOLUTIONS

Under Pennsylvania law, the House of Representatives has the sole power to begin the impeachment process against an elected official. Impeachment proceedings are then conducted by the Senate.

This fall, the Judiciary Committee advanced two impeachment resolutions against officials in Pennsylvania to the full House.

HR 99, which recently passed the full House, begins impeachment proceedings against Republican Schuylkill County Commissioner George Halcovage, who is accused of sexual harassment by multiple county employees and other misconduct while in office.

HR 117 is a resolution to begin impeachment proceedings against Republican Quincy Township Supervisor Kerry Bumbaugh, who faces 13 criminal charges and is accused of using his position for personal financial gain. This resolution awaits action from the full House.

Impeachment is a rarely used remedy but it's critical that we hold our elected officials – at every level – accountable.

# REPUBLICAN CONTROLLED LEGISLATURE PRESSES FORWARD WITH CONTINUED ATTACKS ON THE JUDICIARY

At first it seemed like an outlier – a few radical Republican politicians pushing to impeach Democratic Supreme Court justices for rulings they disagreed with – but now attacks on the judiciary have become the norm in our Republican-controlled legislature. The tempo has picked up the past two sessions since several courts, state and federal, ruled against the former president and his false claims of voter fraud, and the courts sided with public health officials regarding COVID-19 mitigation measures. These same politicians are trying to exert pressure on the courts, which will be a key player in the process to redraw congressional and state legislative districts. Make no mistake, these court decisions have been consistent with precedent, follow the rule of law and advance the public good, and the attacks on the judiciary are purely political.

We all should have learned in middle school the importance of the three branches of government, separation of powers and checks and balances. Unfortunately, my Republican counterparts in Harrisburg care more about power and using it to advance their political extremism than maintaining the balance of power and respecting the other two branches of government. Last session, along with the impeachment resolutions, they attempted to implement judicial gerrymandering. Under their scheme, appellate judges would be elected by region thus giving less

populated Republican areas of the Commonwealth more judgeships, thus more power. The judicial gerrymander was such a top priority for the Republicans on the Judiciary Committee that it was the very first action that was brought up in this current session.

This session, we also are dealing with bills to impose term limits on justices of the Supreme Court, eliminate retention elections and to make judges be “held accountable” in reelection campaigns as well as usurp the judiciary’s constitutional authority to manage its own administration. This is no coincidence, the Supreme Court is controlled by a majority of Democrats after many years of Republican control. In fact, these same politicians fast-tracked legislation to get a constitutional amendment on the ballot in 2015 to increase the age a justice can serve, so that the Republican chief justice could continue to serve. Interestingly, 2015 is when the Supreme Court flipped to a Democratic majority. The hypocrisy runs deep, and these self-dealing politicians have shown little respect for the careful balance of powers needed in our democracy to maintain our way of life. I will not be silent as they attempt to undermine our trust in institutions, and they put their heavy hand on the balance of power for their own personal and political gain.

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## DISTRICT ATTORNEY MODERNIZATION BILL

This fall, the Judiciary Committee ushered through a bipartisan bill to address situations throughout the Commonwealth where elected district attorneys were charged with serious crimes but allowed to keep doing their jobs.

This bill was signed into law by the governor in November.

The legislation became urgent when two Republican district attorneys faced serious crimes while in office. In Bradford County, the DA was charged with three separate charges of sexual assault, five counts of indecent assault, 12 counts of intimidation of a witness or victim, one count of obstruction of justice and one count of prostitution. He eventually pleaded guilty and is serving 18 months to five years in prison. In Somerset County, the DA was arrested and charged with rape,

indecent assault, strangulation, simple assault and criminal trespass. His case is still pending.

The new law will require a district attorney to maintain an active law license to hold office. The district attorney is the top law enforcement officer in each county, and if a district attorney’s law license is suspended, their service in office should also then be suspended.

If an incumbent district attorney is disbarred, they would be disqualified to continue in office. If the charges are dismissed or if the district attorney is acquitted, with law license restored, then the district attorney would be restored to office. If there is a conviction and disbarment, the district attorney would automatically be disqualified from continuing in office. The chief deputy district attorney will fill the role of district attorney until the criminal issues are resolved.



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# PROTECTING YOURSELF FROM SCAMS

The coronavirus pandemic has pushed many consumers to do more of their shopping online. That comes with a risk of falling for scams and fraud.

The Better Business Bureau reports an increase in online purchasing scams between 2019 and 2020. Just this year, 74% of consumers who were victims lost money and received no product. The BBB shares the following prevention tips:

- If the deal looks too good to be true, there is a good chance it is.
- Look closely at the shipping information you received.
- Be careful buying hard-to-find products.
- Do your research before buying products.

The Pennsylvania Attorney General's Office suggests anyone who believes they were scammed file a complaint by visiting its website: [www.attorneygeneral.gov/submit-a-complaint/scams-complaint/](http://www.attorneygeneral.gov/submit-a-complaint/scams-complaint/).



**Consumer protection legislation advances:** This fall, the Judiciary Committee advanced HB 1985, a bill that would help hold telemarketers accountable.

This legislation would amend the Crimes Code to authorize individuals to record a conversation with a telemarketer for the purpose of enforcing consumer protection laws, namely – section 3 of the Telephone Consumer Protection Act of 1991, the Unfair Trade Practices and Consumer Protection Law, or the Telemarketer Registration Act.

It's currently difficult for consumer protection advocates to combat deceptive practices by telemarketers, and this proposed amendment to the Wiretap Act aims to help.