

Judiciary Committee UPDATE

State Representative

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It has been a humbling honor to have been appointed by Speaker Joanna McClinton to serve for the third legislative session as the Democratic Chair of the House Judiciary Committee. It is especially exciting to serve this current session as the Majority Chairman, which is providing an opportunity to tackle issues that have been ignored for too long. The Judiciary Committee is historically one of the most active and important committees in the House. The Democratic members of the committee are extremely knowledgeable and passionate, and because of their commitment to move Pennsylvania forward, we have already advanced nearly 60 pieces of legislation out of our committee.

As we dive into the vital work ahead, I'm excited to share this newsletter to keep you in the loop about our ongoing efforts and accomplishments this year.

Our mission remains steadfast: to ensure justice, safety, and unity in our communities. This year, we've rolled up our sleeves and delved into a range of critical issues that impact

us all with an emphasis on legislation that didn't see the light of day when Republicans controlled the agenda.

My top priority has been to finally consider and take action on gun safety measures and to stop mass shootings. Additionally, we're committed to fostering safe and fair communities that thrive on diversity and reject hate. Our work to combat hate crimes has gained momentum as we reinforce the legal framework against these intolerable acts. Inclusivity and understanding are at the heart of our efforts as we strive to build a society where everyone feels secure and valued.

We have already tackled statute of limitations reform for survivors of childhood sexual abuse, held our first hearing on gun violence prevention and advanced to the full House four meaningful gun violence prevention bills that will save lives. We passed the Fairness Act to provide protections from discrimination for our LGBTQ+ friends and neighbors, and we took steps to modernize our Hate Crimes laws. Our work has just begun.



ADDITIONAL APPOINTMENTS

In addition to serving as Majority Chair of the House Judiciary Committee, I have also been appointed to the Judicial Council of Pennsylvania, the Decedents' Estates Task Force, and the Pennsylvania Commission on Crime and Delinquency (PCCD).

PCCD makes an impact on some of the most pressing issues in our society by working to improve our justice system, keep our schools and neighborhoods safe, provide resources to victims of crime and more. I look forward to working with the commission on programs and initiatives that will make communities across the commonwealth safer and more supportive places to live.

The mission of PCCD is to enhance quality, coordination and planning within the

criminal and juvenile justice systems, to facilitate the delivery of services to victims of crime, and to increase the safety of Pennsylvania communities. PCCD oversees substantial state funds and allocates them in accordance with that mission.

For example, Violence Intervention & Prevention (VIP) funding supports grants and technical assistance to address community violence throughout the commonwealth, with a focus on preventing and intervening with gun and group-related violence.

Moreover, PCCD administers the School Safety and Security Program to support School Mental Health & Safety and Security Grants for the 2022-2023 school year. School entities (i.e., school districts, area career and technical



schools, intermediate units, charter schools, regional charter schools and cyber charter schools) are eligible to apply for these funds to address mental health initiatives and physical security enhancements.

With the passage of Act 55 of 2022, \$190 million has been earmarked to support this initiative: \$95 million of which is dedicated to mental health initiatives and \$95 million dedicated to physical security enhancements. PCCD plays a vital role in distributing taxpayer funds to improve our public health and safety. I am truly honored to serve on PCCD.

GUN VIOLENCE HEARINGS AND BILLS

One of the first actions taken by the House Judiciary Committee this year was to hold a public legislative hearing on gun violence prevention and ending mass shootings in Pennsylvania. We heard from victims, health care providers and law enforcement, and it was clear that more needs to be done to protect Pennsylvanians. We received testimony from across the commonwealth and we had buses of school children ride from all corners for the state to deliver their message. Enough is enough. We took what we heard and quickly had a voting meeting to vote four bills out of the House Judiciary Committee that were discussed by the various witnesses: 1) extreme risk protection orders, 2) reporting lost and stolen firearms, 3) safe storage requirements, and 4) universal background check requirements.

Of these four bills, the full House sent two of them to the Senate, and we are urging the Senate to act. Before the end of the year, the committee plans to discuss additional bills related to community safety: prohibiting "cop killer" bullets, preventing children from accessing guns, banning 3D/ghost guns and bump stocks, as well as legislation to make it clear which criminal convictions prohibit a person from possessing a firearm.

The makeup of the General Assembly with a Democratic-controlled House and a Republican-controlled Senate will make it difficult to get any gun violence prevention bills to Governor Josh Shapiro's desk, but we must continue to work toward that goal.



FAIRNESS ACT

In a landmark 2020 decision, *Bostock v. Clayton County*, the United States Supreme Court ruled that an employer cannot discriminate against an individual because of their sexual orientation or gender identity. While this decision was a historic victory for civil rights, it does not prevent someone in our state who identifies as LGBTQ+ from being denied housing, education, or access to public accommodations simply because of who they are or who they love.

House Bill 300 (the Fairness Act) would prohibit discrimination in PA based on sex, sexual orientation, or gender identity/ expression. The bill was voted out of the House Judiciary Committee and passed the House with only two Republicans voting in support.

Pennsylvania's lack of a comprehensive anti-discrimination law is a deterrent for workers and businesses who could help grow our economy.

That is just one reason why we will continue to move meaningful legislation to prohibit discrimination in our state based on sex, sexual orientation, or gender identity or expression.

The Fairness Act is the right thing to do for our families, our commonwealth and our economy. This legislation was first introduced 22 years ago but had never before received a vote by the full House.

HATE CRIMES

Hate crimes are on the rise, and every day that Pennsylvania's laws are left unequipped to deal with them is a day that those who would use violence and intimidation to diminish people and communities are further emboldened. The House Judiciary Committee's Democratic majority voted for five bills to expand and strengthen Pennsylvania's anti-hate crimes statutes. Unfortunately, we were unable to get any House Republicans to join our efforts to stand with people and communities that are the targets of hate.

This action by the House Judiciary Committee marks the first legislative steps forward in two decades to address the universally recognized increase in hate-based crimes. Once these bills become law, Pennsylvania will join the majority of states that acknowledge the growing scourge of attacks on Americans for who they are, how they look, or who they love.

This legislative package is of vital importance, and I am happy to have ushered these bills through the committee process. As hate crimes increase across the country, we must protect those who are most vulnerable regardless of race, ethnicity, sexual orientation, gender identity

or disability status. Everyone has a right to feel safe in our communities. The following legislation was approved by the House Judiciary Committee by a vote of 12 Democrats in favor and 9 Republicans opposed:

- H.B. 1027 – New Protections under Ethnic Intimidation Statute (Frankel, Nelson). Would amend Pennsylvania's Ethnic Intimidation Statute to ensure protections for victims targeted because of their race, color, religion, national origin, ethnicity, ancestry, sex, gender, gender identity, gender expression, sexual orientation or disability. It would also provide victims with a civil cause of action against offenders and people who solicit or aid offenders.
- H.B. 1025 – Reporting System for Educational Institutions (Nelson, Frankel, Costa). Would require postsecondary institutions to offer online and anonymous hate crime reporting options for students and employees. Would also encourage training for K-12 school employees in identifying and addressing hate incidents.
- H.B. 1026 – Education for Hate Crime Offenders (Frankel, Nelson, Costa). Would provide a mechanism by which an individual convicted of a hate crime could perform community service or complete educational classes relating to the motivating factor of the underlying crime.
- H.B. 1024 – Hate Crime Training for Law Enforcement (Frankel, Nelson, Costa). Would provide law enforcement officials with the tools they need to properly investigate, identify and report hate crimes.



PUBLIC DEFENDER FUNDING AND FRAMEWORK

For the first time in state history, the General Assembly made allocations to fund indigent defense in Pennsylvania, ensuring defendants who cannot afford legal representation receive proper support. The right to counsel is enshrined in our constitution. Previously, Pennsylvania was one of only two states in the country that did not allocate state funding for indigent defense. That changed with this year's budget; \$7.5 million has been secured to ensure public defenders have the resources they need to provide legal representation to defendants who cannot pay for it on their own.

BILL REGARDING FUNDING PA LEGAL AID



The Pennsylvania Legal Aid Network (PLAN) is an organization that provides leadership, funding, and support to a network of nonprofit legal aid organizations throughout the commonwealth. These programs work tirelessly to protect and advance the civil legal rights of Pennsylvanians living in poverty through the provision of free civil

legal services. By providing legal services to those in need, the commonwealth can prevent homelessness, secure vital benefits, and empower vulnerable individuals to take control of their lives. In addition, funding civil legal aid is cost-effective, with Pennsylvania gaining 12 dollars for every dollar invested.

I recently introduced House Bill 1617 and advanced it out of Committee to provide additional funding to help support legal aid services. There are currently \$6 in fees assessed on a range of court filings to help support civil legal aid. However, of these, only \$4 applies to traffic citations. My proposal would capture all \$6 for legal aid and provide additional, stable funding for civil legal aid without an increase in the filing fees.

This funding is important because last year alone, PLAN helped over 200,000 clients understand and exercise their legal rights as homeowners, tenants, employees, spouses, and consumers. The services provided by the network's legal aid organizations are often critical to helping people navigate situations like gaining or maintaining health insurance and public benefits; preventing eviction, foreclosure, and utility shutoffs; seeking an expungement or pardon for old and minor criminal records; and supporting survivors of domestic and family violence. Without access to legal remedies and support, the consequences of these cases can be severe: families can lose their children, homes, healthcare, and financial stability.

PROBATION REFORM

I was happy to work with my Republican counterpart in the Senate, state Sen. Lisa Baker, to move S.B. 838 out of the House Judiciary Committee. This bipartisan effort to reform Pennsylvania's probation system has been debated and negotiated for years without House action. I am proud that I helped move this bill one step closer to Gov. Josh Shapiro's desk. This bill is designed to implement greater fairness in the probation process, eliminate excessive incarceration, give individuals a more reliable second chance to get their lives right and offer taxpayers a break from ever-rising state correctional costs.

Probation is supposed to be a pathway out of the criminal justice system. Instead, the system has too often become a probation-to-prison revolving door as technical violations, such as a minor traffic offense, can perpetually extend the clock on a person's term and result in re-confinement. Senate Bill 838 would establish a mandatory probation review conference for probationers, providing specific criteria for probation, and a presumption that probation will be terminated unless the individual does not qualify. Additionally, review conferences will occur earlier based on good conduct and by achieving certain educational, employment, or other goals.

A number of states, have created new frameworks to minimize punishments for technical violations of probation by entrusting judges who have the most detailed facts about a person to balance fairness with public safety when making probation determinations. It is past time that Pennsylvania reforms its outdated probation system, and I will continue to push commonsense bipartisan solutions in the House Judiciary Committee like comprehensive probation reform.

FAMILY LAW ARBITRATION ACT

House Bill 917 was unanimously adopted by the House Judiciary Committee and passed the House and is in the Senate Judiciary Committee awaiting action. If passed by the Senate, the bill will streamline family law proceedings, enabling families to amicably settle disputes through voluntary means rather than resorting to court intervention.

The current approach of litigating family conflicts in court not only consumes considerable time but also places unwarranted strain on families, particularly when children

are part of the equation. House Bill 917 seeks to expedite the resolution process, sparing families the potentially daunting and stressful courtroom experience. Family court cases frequently entail significant expenses and emotional distress. Whether they pertain to the division of marital assets, child custody and support arrangements, or other intricate familial matters, these lawsuits leave a profound impact on all parties involved.

This bill presents families with an alternative to address legal disagreements, fostering a fair financial landscape for

CLEAN SLATE 3.0

In a bipartisan vote, the House passed H.B. 689 (Clean Slate III), which will expand on sensible criminal justice reforms passed in previous years. House Bill 689 modernizes and broadens the scope of the Clean Slate automated sealing program. Despite the success of Clean Slate, which has sealed over 42 million misdemeanor and summary cases and positively impacted the lives of more than 1.2 million Pennsylvanians, there remains an issue for individuals in our community who have overcome their addictions and transitioned into productive roles yet continue to bear the burden of past drug offenses on their records.

House Bill 689 is designed to bring Pennsylvania's legal framework in line with established best practices and evidence-based policies. It does so by expanding the automated Clean Slate sealing process to

include low-level drug felonies after a period of 10 years with no subsequent criminal activity. It is important to note that drug convictions resulting in minimum imprisonment of 2.5 years or more, such as those related to trafficking and other severe or violent offenses, will not be eligible for sealing under this provision.

In addition, the bill also reduces the waiting period for summary offenses from 10 to 5 years, while the waiting period for misdemeanor offenses will be shortened from 10 to 7 years. Research indicates that individuals with prior criminal records experience a recidivism risk that diminishes significantly compared to the risk of arrest

for the general population. This reduction occurs approximately after four to seven years for violent offenders, four years for drug offenders, and three to four years for property offenders.

House Bill 689 offers a fair and balanced approach to record sealing, thus contributing to the rehabilitation and reintegration of individuals into society. This expansion of Clean Slate could give hundreds of thousands of Pennsylvanians the opportunity to access housing, employment, and educational opportunities that have been denied to them since having repaid their debt to society.

PROTECTING OUR FURRY FAMILY MEMBERS

Recently the House Judiciary Committee advanced two pieces of legislation to protect our pets during domestic disputes and divorce proceedings.

According to the Humane Society of the United States, "data on domestic violence and child abuse cases reveal that a staggering number of animals are targeted by those who abuse their children or spouses. In one survey, 71 percent of domestic violence victims reported that their abuser also targeted pets." Researchers have found links between coercive control and the abuse of pets, with abusers often using family pets as leverage in the torment of their victims, threatening to harm or kill them if their victims leave. Many victims feel forced to stay with coercive partners because they are worried their pets could be attacked.

The Protection From Abuse Act gives judges the ability to order many different kinds of relief to prevent further abuse. However, a judge has no explicit authority to order that the defendant not kill or maim a victim's pets. It is not unusual for defendants to harm a victim's pet as part of the abuse nor for this concern to prevent victims from escaping their abuser. House Bill 1210 would provide courts with the explicit authority to grant ownership of a companion animal and order a defendant to refrain from killing or abusing a companion animal in a protection from abuse proceeding. House Bill 1210 passed the full House by a vote of 130-73 with all Democrats voting to protect pets along with 28 Republicans.

Moreover, the House Judiciary Committee approved and the House passed H.B. 1108, a bill that would provide judges with factors to consider when deciding custody and visitation for a pet or companion animal. Current law treats pets and companion animals the same as a couch or other inanimate objects in divorce proceedings. Under H.B. 1108, either party could request the court to determine the possession or care of a companion animal. The bill provides judges with factors to consider when making a decision, including:

- Whether the companion animal was acquired prior to or during the marriage.
- The basic daily needs of the companion animal.
- The party who generally facilitates veterinary care for the companion animal.
- The party who generally provides the companion animal with social interaction.
- The party who generally ensures compliance with state and local regulations regarding the companion animal.
- The party who provides the greater ability to financially support the companion animal.

Often in divorce proceedings, a couple cannot agree on the best arrangement for a beloved pet and at times, a pet can be used as leverage when negotiating the division of assets. House Bill 1108 provides guidance to judges to consider the well-being of a companion animal when determining its custody and care.



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DIGNITY for INCARCERATED WOMEN ACT

- ✓ BANS shackling pregnant people + enhances restraint documentation
- ✓ BANS solitary confinement of pregnant people
- ✓ FREE period + incontinence products
- ✓ Trauma-informed training for all employees who work with pregnant + postpartum incarcerates
- ✓ 3 days of post-delivery bonding time between mother and new born child

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House Bill 900 was unanimously approved by the House Judiciary Committee and passed the House and is in the Senate Judiciary Committee awaiting action. Over the past three decades, Pennsylvania has seen a significant increase in the number of incarcerated women. While we believe in supporting a system that serves justice, women who are incarcerated face a number of unique issues regarding their health and the health of their children. Despite being incarcerated, these women are still mothers, wives, sisters, and daughters, and it is in everyone's best interest to ensure we treat them with dignity.

Through extensive consultation and collaboration with our state Department of Corrections, county wardens, corrections officers, various interest groups, and subject matter experts, we have identified several best practices, many of which are already in place, that we believe will not only benefit incarcerated women, but their children, families, and society.

Specifically, H.B. 900 provides for the following well-vetted provisions at both the state and county level, with necessary oversight from children and youth services, and limited exceptions where extenuating circumstances and/or capacity constraints prevent safe practice and enforcement. With commonsense exceptions the bill:

- Prohibits the shackling of pregnant women.
 - Prohibits solitary confinement of pregnant women.
 - Provides trauma-informed care training for corrections officers interacting with pregnant and postpartum women.
 - Provides for up to three days of post-delivery bonding time between mother and newborn.
 - Provides for the accommodation of adequate visitation time between minor children and incarcerated individuals (male or female) who were the sole legal guardians of those minor children at the time of their arrest.
 - Prohibits full body cavity searches of incarcerated females by male guards.
 - Provides feminine hygiene products at no cost to incarcerated women.
- House Bill 900 will codify best and reasonable practices in statute and, in so doing, demonstrate that ours is not only a just, but a wise and compassionate commonwealth.