

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1188 Session of 2023

INTRODUCED BY RABB, BULLOCK, KENYATTA, WAXMAN, KRAJEWSKI, MADDEN, SANCHEZ, KHAN, CEPEDA-FREYTIZ AND HILL-EVANS, MAY 18, 2023

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 7, 2023

AN ACT

1 Amending ~~Title~~ TITLES 42 (JUDICIARY AND JUDICIAL PROCEDURE) AND <--
2 46 (Legislature) of the Pennsylvania Consolidated Statutes,
3 IN JUDICIAL BOARDS AND COMMISSIONS, FURTHER PROVIDING FOR <--
4 POWERS AND DUTIES OF PENNSYLVANIA COMMISSION ON SENTENCING;
5 AND providing for demographic impact statements in
6 consideration of legislation relating to crimes, offenses and
7 sentencing.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 ~~Section 1. Title 46 of the Pennsylvania Consolidated~~ <--
11 ~~Statutes is amended by adding a part to read:~~

12 SECTION 1. SECTION 2153(A) OF TITLE 42 OF THE PENNSYLVANIA <--
13 CONSOLIDATED STATUTES IS AMENDED BY ADDING A PARAGRAPH TO READ:

14 § 2153. POWERS AND DUTIES OF COMMISSION.

15 (A) POWERS AND DUTIES.--THE COMMISSION, IN ACCORDANCE WITH
16 THE RULES AND REGULATIONS OF THE COMMISSION, SHALL HAVE THE
17 POWERS TO:

18 * * *

19 (17) ESTABLISH A WORKING GROUP TO DEVELOP BEST PRACTICES

1 AND RECOMMENDATIONS FOR A BETTER, MORE COLLABORATIVE DATA
2 COLLECTION, WHICH MAY INCLUDE ETHNIC COMPOSITION,
3 SOCIOECONOMIC STATUS, RELIGIOUS OR ETHNORELIGIOUS
4 AFFILIATIONS AND CRIME VICTIM DATA, AND MAKE RECOMMENDATIONS
5 TO THE GENERAL ASSEMBLY IN AN ANNUAL REPORT, THE FIRST OF
6 WHICH SHALL BE SUBMITTED NO LATER THAN 180 DAYS AFTER THE
7 EFFECTIVE DATE OF THIS PARAGRAPH.

8 * * *

9 SECTION 2. TITLE 46 IS AMENDED BY ADDING A PART TO READ:

10 PART III

11 LEGISLATION

12 Chapter

13 21. Demographic Impact Statements

14 CHAPTER 21

15 DEMOGRAPHIC IMPACT STATEMENTS

16 Sec.

17 2101. Scope of chapter.

18 2102. Definitions.

19 2103. Demographic impact statements.

20 § 2101. Scope of chapter.

21 This chapter relates to demographic impact statements.

22 § 2102. Definitions.

23 The following words and phrases when used in this chapter
24 shall have the meanings given to them in this section unless the
25 context clearly indicates otherwise:

26 "Commission." The Pennsylvania Commission on Sentencing
27 established under 42 Pa.C.S. § 2151.2 (relating to commission).

28 § 2103. Demographic impact statements.

29 (a) Authorization.--On request of ~~a member~~ THE CHAIR OR <--
30 MINORITY CHAIR OF THE APPROPRIATIONS COMMITTEE AND THE CHAIR OR

1 MINORITY CHAIR OF THE JUDICIARY COMMITTEE of either chamber of
2 the General Assembly, the commission shall complete a
3 demographic impact statement for any bill or amendment to a bill
4 proposing a change to 42 Pa.C.S. Ch. 97 (relating to sentencing)
5 or 18 Pa.C.S. (relating to crimes and offenses) to determine the
6 impact, if any, the proposed bill or amendment may have on the
7 demographic composition of the criminal offender population or <--
8 juvenile court system. The demographic impact statement shall be
9 impartial, simple and understandable.

10 (b) Bill.--Except as otherwise provided in subsection (e)
11 (1), a bill for which a demographic impact statement has been
12 requested under subsection (a) may not be given second
13 consideration by the chamber of the General Assembly whose
14 member made the request until such time as the commission has
15 attached the demographic impact statement.

16 (c) Amendment.--Except as otherwise provided in subsection
17 (e) (2), neither an amendment for which a demographic impact
18 statement has been requested under subsection (a) nor the bill
19 to which the amendment is offered shall be considered by the
20 chamber of the General Assembly whose member made the request
21 until such time as the commission has attached the demographic
22 impact statement.

23 (d) Contents.--For groups for which data is available
24 regarding racial and ethnic composition, geographic and <--
25 socioeconomic status, age, gender and religious and <--
26 ethnoreligious affiliations AND GENDER, the demographic impact <--
27 statement shall include the following:

28 (1) An estimate of how the legislation would change the
29 demographic composition of the criminal offender population
30 and juvenile court system.

1 (2) A statement of the methodologies and assumptions
2 used in preparing the estimate.

3 ~~(3) An estimate of the demographic composition of the~~ <--
4 ~~crime victims who may be affected by the legislation.~~

5 (e) Failure to attach.--

6 (1) If the commission fails to attach a demographic
7 impact statement to a bill within 10 BUSINESS days after a <--
8 request for a statement has been submitted to the commission,
9 the bill may be further considered in the same manner as if
10 the demographic impact statement is attached to the bill.

11 (2) If the commission fails to attach a demographic
12 impact statement to an amendment within 10 BUSINESS days <--
13 after a request for a statement has been submitted to the
14 commission, the bill and the amendment may be considered in
15 the same manner as if the demographic impact statement is
16 attached to the amendment.

17 Section 2 3. This act shall take effect in 60 days. <--