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House of Representatives

Commonwealth of Pennsylvania
Harrisburg

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MEMORANDUM

TO: All House Members

FROM: Representative Doug Reichley

SUBJECT: Co-Sponsor Memo: Legislation to add sentencing enhancement for criminal gang activity (Prior HB 2486)

DATE: March 7, 2011

We have all read a number of news stories which have highlighted the difficulties faced by law enforcement agencies to crack the code of silence falling over many communities across Pennsylvania due to the threat of retaliation against witnesses. As a result, I am re-introducing legislation to amend Title 42 to provide for a sentencing enhancement for certain enumerated offenses which are committed in the scope or course of criminal gang activity.

Because police, prosecutors, and judges alike are faced with the challenge of overcoming the "Don't Snitch" mentality when it comes to taking cases to trial, it is necessary for us to provide other tools to our law enforcement agencies to combat the epidemic of drug crimes and associated violence. One such tool would be to provide under our state laws for a sentencing enhancement if a prosecutor is able to prove by a preponderance of evidence that a certain crime was committed by an individual as a gang member. This essentially would enable prosecutors to seek harsher punishments if a defendant is convicted of crimes such as murder, simple and aggravated assault, robbery, arson, kidnapping, rape, and sexual assault if the crime was committed in the course of or promoted by gang members. With this additional capacity in the prosecutor's arsenal, we can aid in successful prosecutions.

This legislation would direct the Pennsylvania Sentencing Commission to promulgate the sentencing guidelines for this enhancement. If you are interested in co-sponsoring this legislation, please contact my assistant Kendra Wiederhold at 787-1000 or at kwiederh@pahousegop.com.