



Judiciary Committee Hearing HB1410 | 140 MCB | 10 a.m., Monday, Oct 30

Good morning, Chairman Briggs, Chairman Kauffman, members of the Judiciary Committee.

Thank you for inviting me to join you briefly today to discuss my legislation, House Bill 1410 – which would create greater opportunities for incarcerated Pennsylvanians to receive a pardon or have their sentences commuted, offering compassion, saving taxpayer resources, and helping us continue to reform our criminal justice system.

Having served as a public defender for nearly a decade, I've seen many issues with our justice system firsthand. Often people end up in our system because of systemic inequality, chronic disinvestment, undiagnosed or untreated mental health issues, and general lack of opportunity in their communities.

As a legislature and a commonwealth, we've made tremendous progress on reforming the justice system by implementing meaningful - and bipartisan - updates including Clean Slate and state funding for indigent defense. These measures are already helping some and will help thousands of Pennsylvanians and their families.

I'm extremely proud of what we've been able to accomplish over the past decade, but, of course, there is more to be done including reconsidering the standards for granting a pardon or commutation.

In the late 1990s, Pennsylvania, like other states adopted a "tough on crime" approach to justice, which is judged by many to be a failure.

Policy makers, advocates and academics agree that this kneejerk policy did little to make Pennsylvanians safer – and instead bloated our correctional population, costing millions of taxpayer dollars and disproportionately impacting residents along racial and socioeconomic lines.

During the "tough on crime" period, Pennsylvania instituted a new requirement that no matter the circumstance of a particular case, for a person facing death or serving a life sentence to even be considered for a pardon or commutation by the governor, the person must first garner a unanimous vote from the Board of Pardons.

Prior to the 1990s, to receive a pardon or commutation these individuals only needed a majority - three-fifths - vote of the Pardons Board- a standard that served Pennsylvania well throughout most of our history.

Now thirty years later, wiser minds are prevailing and speaking out, and these wiser minds, including you, the members of the Judiciary Committee, before whom I have the honor of

appearing today, know, there is no proper, good, or just reason to continue to overburden our correctional system or detain people when they no longer pose a threat to society.

My legislation - which I have introduced during multiple sessions - proposes an amendment to the Constitution of Pennsylvania to do away with the unanimous vote requirement placed upon the Pardon Board before the Board can even make a recommendation regarding a person serving a sentence of life or death.

My legislation returns it to the standard majority vote requirement – obtaining three out of five votes – in order for the Board to make a recommendation to the governor that a sentence be commuted, or pardon be issued.

Now, I want it to be crystal clear here. My bill, House Bill 1410, does not offer nor does it guarantee a pardon or commutation to any person. It simply returns Pennsylvania law to its historical standard – the standard in place for decades, and simply gives more deserving individuals a chance that after their specific case is thoroughly reviewed and after a majority of the Pardon Board is thoroughly convinced it is appropriate to do so, their case can be put before the governor for their review and action as appropriate.

This return to the historic standard would be especially just for people serving life sentences for felony murder – where the incarcerated person did not intend, nor directly kill anyone.

This legislation marks the beginning of an intentionally lengthy and thoughtful Constitutional amendment process, which will ultimately allow our neighbors decide on this issue. But we should begin that process now.

Again, while we've made some progress in this area, we need to do an even better job of helping people transform their lives, through learning and personal growth so that at some point they may be able to reenter and re-engage as active members of our communities and our commonwealth again.

When they do, everyone benefits. We need to do better – for our neighbors, our communities, and our justice system.

Further, I believe that this is a bipartisan issue, that in the past has garnered bipartisan support. I also think there is an appetite in the state Senate to evaluate the efficacy of our current system and discuss ways to strengthen our approach.

I think today's hearing is a useful first step. I look forward to the outcome of today's hearing.

Thank you.