

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2011 Session of 2019

INTRODUCED BY FRANKEL, SCHLOSSBERG, BRIGGS, McCLINTON, YOUNGBLOOD, HILL-EVANS, KINSEY, KOSIEROWSKI, HOHENSTEIN, JOHNSON-HARRELL, O'MARA, FREEMAN, STEPHENS, KIRKLAND, McCARTER, McNEILL, A. DAVIS, SHUSTERMAN, SANCHEZ, MADDEN, ISAACSON, DEASY, DONATUCCI, PASHINSKI, CALTAGIRONE, OTTEN, ULLMAN, BULLOCK, MARKOSEK, DeLUCA, ROZZI, GALLOWAY, SOLOMON, HOWARD, SCHWEYER, MULLINS, COMMITTA, WILLIAMS, MERSKI, KIM, SIMS AND DALEY, OCTOBER 30, 2019

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 30, 2019

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
 2 Pennsylvania Consolidated Statutes, in sentencing, providing
 3 for sentencing for hate-based intimidation and for community
 4 impact statements.

5 The General Assembly of the Commonwealth of Pennsylvania
 6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated
 8 Statutes is amended by adding sections to read:

9 § 9720.9. Sentencing for hate-based intimidation.

10 (a) Condition of probation.--In addition to any other
 11 penalties or fines imposed, a person who has been convicted of
 12 an offense under 18 Pa.C.S. § 2710 (relating to ethnic
 13 intimidation) may be required as a condition of probation to:

14 (1) complete at least eight hours of educational
 15 instruction relating to the community against whom the person
 16 convicted has shown bias; or

1 (2) complete at least eight hours of community service
2 in benefit to the community against whom the person has shown
3 bias, provided that the community service will not increase
4 the risk of further violence or intimidation against that
5 community.

6 (b) Condition of parole.--A person convicted of an offense
7 under 18 Pa.C.S. § 2710 may be required as a condition of parole
8 to:

9 (1) complete at least eight hours of educational
10 instruction relating to the community against whom the person
11 convicted has shown bias; or

12 (2) complete at least eight hours of community service
13 in benefit to the community against whom the person has shown
14 bias, provided that the community service will not increase
15 the risk of further violence or intimidation against that
16 community.

17 § 9739. Community impact statements.

18 (a) General rule.--Representatives of a community affected
19 by a crime of which a defendant has been convicted shall have
20 the right to submit a community impact statement prior to the
21 imposition of a sentence on the defendant. A court may at its
22 discretion consider the community impact statement in
23 determining the appropriate sentence to be imposed on the
24 defendant. If more than one community is affected,
25 representatives of each affected community may submit statements
26 under this section.

27 (b) Prohibition.--Notwithstanding any other provision of
28 law, during the trial of a defendant accused of an offense a
29 court may not order the exclusion of an individual from the
30 trial on the basis that the individual may, during the

1 sentencing phase of the proceeding, do any of the following:

2 (1) Make a community impact statement or present
3 community impact information in relation to the sentence to
4 be imposed on the defendant.

5 (2) Testify as to the effect of the offense on the
6 community.

7 (c) Contents.--A community impact statement may include the
8 following:

9 (1) A summary of the harm, trauma or other physical or
10 psychological effects suffered by the community or its
11 members as a result of the defendant's crime.

12 (2) A summary of the economic loss or damage suffered by
13 the community or its members as a result of the defendant's
14 crime.

15 (3) The adverse social or economic effects of the
16 defendant's crime on the community or its members, including
17 individuals residing in and businesses operating in the
18 community.

19 (d) Submission of statement.--Upon receipt of a community
20 impact statement by the court, the court shall immediately
21 provide copies of the community impact statement to counsel for
22 the prosecution and the defense.

23 (e) Definitions.--As used in this section, the following
24 words and phrases shall have the meanings given to them in this
25 subsection unless the context clearly indicates otherwise:

26 "Community." An informal or formal association or group of
27 people living, working, attending school or attending worship
28 services in the same place or neighborhood and sharing common
29 interests arising from a social, business, religious,
30 governmental, scholastic or recreational association or

1 interaction.

2 "Community impact statement." A written statement that
3 provides information about the financial, social, emotional and
4 physical effects of a defendant's crime on a community.

5 Section 2. This act shall take effect in 60 days.