

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1026 Session of
2023

INTRODUCED BY FRANKEL, N. NELSON, McNEILL, HANBIDGE, KAZEEM, PISCIOTTANO, PIELLI, BRIGGS, MADDEN, SANCHEZ, SCHLOSSBERG, GUENST, HOHENSTEIN, DELLOSO, HILL-EVANS, HARKINS, FLEMING, STURLA, WARREN, KINKEAD, FREEMAN, O'MARA, OTTEN, CEPEDA-FREYTIZ, BOROWSKI, CERRATO, KHAN, SIEGEL, MAYES, FLICK, PROBST, ISAACSON, SCOTT, GIRAL, GALLAGHER, BENHAM, TAKAC, T. DAVIS, SMITH-WADE-EL, SALISBURY, SAMUELSON, BRENNAN AND VITALI, APRIL 25, 2023

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 24, 2023

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

1 convicted has shown bias; or

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

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

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

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

18 § 9739. Community impact statements.

19 (a) General rule.--Representatives of a community affected
20 by a crime of which a defendant has been convicted shall have
21 the right to submit a community impact statement prior to the
22 imposition of a sentence on ~~the~~ A defendant WHO WAS CONVICTED OF <--
23 VIOLATING 18 PA.C.S. § 2710(A) (RELATING TO ETHNIC
24 INTIMIDATION). A court may at its discretion consider the
25 community impact statement in determining the appropriate
26 sentence to be imposed on the defendant. If more than one
27 community is affected, representatives of each affected
28 community may submit statements under this section.

29 (b) Prohibition.--Notwithstanding any other provision of
30 law, during the trial of a defendant accused of an offense a

1 court may not order the exclusion of an individual from the
2 trial on the basis that the individual may, during the
3 sentencing phase of the proceeding, do any of the following:

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

7 (2) Testify as to the effect of the offense on the
8 community.

9 (c) Contents.--A community impact statement may include the
10 following:

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

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

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

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

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

28 "Community." An informal or formal association or group of
29 people living, working, attending school or attending worship
30 services in the same place or neighborhood and sharing common

1 interests arising from a social, business, religious,
2 governmental, scholastic or recreational association or
3 interaction.

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

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