
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 79 Session of
2023

INTRODUCED BY HUGHES, COLLETT, HAYWOOD, KEARNEY, FONTANA,
SCHWANK, DILLON, KANE, TARTAGLIONE, COSTA AND CAPPELLETTI,
JANUARY 19, 2023

REFERRED TO STATE GOVERNMENT, JANUARY 19, 2023

AN ACT

1 Amending Title 46 (Legislature) of the Pennsylvania Consolidated
2 Statutes, providing for racial impact statements in
3 consideration of legislation.

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

6 Section 1. Title 46 of the Pennsylvania Consolidated
7 Statutes is amended by adding a part to read:

8 PART III

9 LEGISLATION

10 Chapter

11 21. Racial Impact Statements

12 CHAPTER 21

13 RACIAL IMPACT STATEMENTS

14 Sec.

15 2101. Scope of chapter.

16 2102. Definitions.

17 2103. Racial impact statements.

18 § 2101. Scope of chapter.

1 This chapter relates to racial impact statements.

2 § 2102. Definitions.

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

6 "Commission." The Pennsylvania Commission on Sentencing.

7 § 2103. Racial impact statements.

8 (a) Authorized.--Upon request of a member of either house of
9 the General Assembly, the commission shall complete a racial
10 impact statement for any bill, joint resolution, freestanding
11 act or amendment that would create a new criminal offense,
12 change an existing offense in 18 Pa.C.S. (relating to crimes and
13 offenses), create a new penalty or provision related to
14 sentencing or change an existing law in 42 Pa.C.S. Ch. 97
15 (relating to sentencing) to determine the impact, if any, the
16 proposed legislation may have on the racial and ethnic
17 composition of the criminal offender population or juvenile
18 court system. The racial impact statement shall be impartial,
19 simple and understandable.

20 (b) Effect of request.--The following shall apply:

21 (1) Except as otherwise provided in subsection (d) (1),
22 no bill, joint resolution or freestanding act for which a
23 racial impact statement has been requested under subsection
24 (a) may be given second consideration by the house of the
25 General Assembly whose member made the request until such
26 time as the commission has attached the racial impact
27 statement.

28 (2) Except as otherwise provided in subsection (d) (2),
29 neither an amendment for which a racial impact statement has
30 been requested under subsection (a), nor the legislation to

1 which the amendment is offered, shall be considered by the
2 house of the General Assembly whose member made the request
3 until such time as the commission has attached the racial
4 impact statement.

5 (c) Contents.--For racial and ethnic groups for which
6 data are available, the racial impact statement shall include
7 the following:

8 (1) An estimate of how the legislation would change the
9 racial and ethnic composition of the criminal offender
10 population and juvenile court system.

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

13 (3) If the racial and ethnic impact statement addresses
14 the effect of the legislation on the criminal offender
15 population and juvenile court system, an estimate of the
16 racial and ethnic composition of the crime victims who may be
17 affected by the legislation.

18 (d) Effect of failure to attach.--The following shall apply:

19 (1) If the commission fails to attach a racial impact
20 statement within 10 days after a request for a statement has
21 been submitted to the commission, the proposed legislation
22 may be considered in the same manner as if the racial impact
23 statement had been attached to the legislation.

24 (2) If the commission fails to attach a racial impact
25 statement to an amendment within 10 days after a request for
26 a statement has been submitted to the commission, the
27 amendment and underlying legislation may be considered in the
28 same manner as if the racial impact statement had been
29 attached to the amendment.

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