

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, PROBST, ISAACSON, SCOTT, GIRAL, GALLAGHER, BENHAM, TAKAC, T. DAVIS, SMITH-WADE-EL, SALISBURY, SAMUELSON, BRENNAN, VITALI, WEBSTER, DALEY, SHUSTERMAN, DONAHUE AND GUZMAN, APRIL 25, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 7, 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 HATE- <--
13 BASED intimidation) may be required as a condition of probation
14 to:

15 (1) complete at least eight hours of educational

1 instruction relating to the community against whom the person
2 convicted has shown bias; or

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

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

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

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

19 § 9739. Community impact statements.

20 (a) General rule.--Representatives of a community affected
21 by a crime of which a defendant has been convicted shall have
22 the right to submit a community impact statement prior to the
23 imposition of a sentence on a defendant who was convicted of
24 violating 18 Pa.C.S. § 2710(a) (relating to ethnic HATE-BASED <--
25 intimidation). A court may at its discretion SHALL, WHEN <--
26 AVAILABLE, consider the community impact statement in
27 determining the appropriate sentence to be imposed on the
28 defendant. If more than one community is affected,
29 representatives of each affected community may submit statements
30 under this section.

1 (b) Prohibition.--Notwithstanding any other provision of
2 law, during the trial of a defendant accused of an offense a
3 court may not order the exclusion of an individual from the
4 trial on the basis that the individual may, during the
5 sentencing phase of the proceeding, do any of the following:

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

9 (2) Testify as to the effect of the offense on the
10 community.

11 (c) Contents.--A community impact statement may include the
12 following:

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

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

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

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

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

30 "Community." An informal or formal association or group of

1 people living, working, attending school or attending worship
2 services ~~in the same place or neighborhood~~ IN THE SAME JUDICIAL <--
3 DISTRICT OR A CONTIGUOUS JUDICIAL DISTRICT and sharing common
4 interests arising from a social, business, religious,
5 governmental, scholastic or recreational association or
6 interaction.

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

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