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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 263 Session of  
2023

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INTRODUCED BY KINKEAD, BRIGGS, HOHENSTEIN, HILL-EVANS, RABB,  
MADDEN, KINSEY, BOROWSKI, SCHLOSSBERG, HANBIDGE, KHAN,  
BURGOS, SANCHEZ, CEPEDA-FREYTIZ, GREEN AND OTTEN,  
NOVEMBER 13, 2023

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REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 13, 2023

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A CONCURRENT RESOLUTION

1 Directing the Joint State Government Commission to establish a  
2 bipartisan task force to study any consolidated or  
3 unconsolidated State statutes in the Pennsylvania Crimes  
4 Code, Judicial Code, Sentencing Code or elsewhere under which  
5 a term of imprisonment and other collateral consequences may  
6 be imposed in order to identify redundant, overlapping and  
7 inconsistent offenses, improper grading and gaps in criminal  
8 liability, out-of-date, antiquated, offensive or  
9 unenforceable language and to make recommendations to the  
10 General Assembly.

11 WHEREAS, In 1972, the General Assembly enacted the Crimes  
12 Code in Title 18 of the Pennsylvania Consolidated Statutes,  
13 which contained 282 carefully considered offenses and  
14 suboffenses; and

15 WHEREAS, Since the Crimes Code's enactment, it has expanded  
16 more than fivefold and now contains more than 1,500 offenses and  
17 suboffenses, the majority of which were created without a  
18 thorough review of the entire Crimes Code; and

19 WHEREAS, According to a 2009 report on offense grading  
20 jointly commissioned by the Judiciary Committee of the Senate  
21 and the Judiciary Committee of the House of Representatives and

1 authored by Professor Paul H. Robinson as well as the University  
2 of Pennsylvania's Criminal Law Research Group, this ad hoc  
3 expansion of the Crimes Code has resulted in a "system of  
4 offenses marked by irrational and contradictory grading  
5 differences, and offense grades that seriously conflict with the  
6 values of Pennsylvania residents" in addition to various  
7 overlapping and duplicative offenses; and

8 WHEREAS, The addition of numerous new offenses and changes to  
9 the Crimes Code since the publication of the 2009 report has not  
10 only exacerbated the issues identified in the report but has  
11 also extended to new, inconsistent and outdated provisions in  
12 our Commonwealth's Judicial Code and Sentencing Code, as well as  
13 other statutes, consolidated or otherwise, for which a term of  
14 imprisonment and other collateral consequences may be imposed;  
15 and

16 WHEREAS, A rational crimes code with offenses that coincide  
17 with the views of the residents of this Commonwealth, in  
18 conjunction with a cohesive Sentencing Code and a consistent  
19 Judicial Code, is necessary to build and sustain public trust in  
20 the laws of this Commonwealth and in the interpretation of those  
21 laws by the judiciary; and

22 WHEREAS, The ever-increasing size and scope of the Crimes  
23 Code has made it difficult for legislators to identify and  
24 remedy gaps in criminal liability within the Crimes Code; and

25 WHEREAS, The convoluted nature of the Crimes Code has also  
26 made it difficult for residents to fully comprehend the offenses  
27 and grades within the code; and

28 WHEREAS, This is contrary to the goal of the Crimes Code,  
29 which is to provide the public with a clear and comprehensible  
30 list of prohibited activities and their punishments; and

1       WHEREAS, A cohesive and rational Crimes Code, Judicial Code  
2 and Sentencing Code would be advantageous for the residents of  
3 this Commonwealth and every constituency working within the  
4 criminal justice process as it would serve to reduce confusion  
5 and provide a consistent approach to crime and punishment and  
6 any attendant penalties contained in statutes that include  
7 offenses for which a term of imprisonment and other collateral  
8 consequences are possible outcomes; and

9       WHEREAS, Eliminating or updating out-of-date, antiquated,  
10 offensive or unenforceable language from all provisions of  
11 Pennsylvania's Crimes Code, Judicial Code and Sentencing Code,  
12 as well as any consolidated or unconsolidated statutes that  
13 could result in imprisonment and other collateral consequences,  
14 would finally modernize the language of our codes, thereby  
15 ensuring that the State laws reflect the views of the residents  
16 in this Commonwealth consistently and unequivocally; and

17       WHEREAS, The General Assembly should be knowledgeable about  
18 the state and nature of the Crimes Code and aware of any  
19 oversights, deficiencies and redundancies within the Code that  
20 would best be resolved; therefore be it

21       RESOLVED (the Senate concurring), That the General Assembly  
22 direct the Joint State Government Commission to establish a  
23 bipartisan task force to study any consolidated or  
24 unconsolidated State statutes in the Pennsylvania Crimes Code,  
25 Judicial Code, Sentencing Code or elsewhere under which a term  
26 of imprisonment and other collateral consequences may be imposed  
27 in order to identify redundant, overlapping and inconsistent  
28 offenses, improper grading and gaps in criminal liability, out-  
29 of-date, antiquated, offensive or unenforceable language and to  
30 make recommendations to the General Assembly; and be it further

1       RESOLVED, That the task force consist of two members of the  
2 Senate, one appointed by the President pro tempore of the Senate  
3 and one appointed by the Minority Leader of the Senate, and two  
4 members of the House of Representatives, one appointed by the  
5 Speaker of the House of Representatives and one appointed by the  
6 Minority Leader of the House of Representatives; and be it  
7 further

8       RESOLVED, That the Joint State Government Commission oversee  
9 the creation of an advisory committee to assist the task force  
10 in conducting the study and making recommendations; and be it  
11 further

12       RESOLVED, That the advisory committee shall have 30 members  
13 appointed by the Governor with the consent and approval of the  
14 task force, comprised of representatives from the Office of  
15 Attorney General, the Pennsylvania Commission on Crime and  
16 Delinquency, the Public Defender Association of Pennsylvania,  
17 the Pennsylvania District Attorneys Association, the judiciary,  
18 law enforcement agencies, private and public organizations  
19 involved in criminal justice issues and additional members as  
20 the task force deems appropriate; and be it further

21       RESOLVED, That the task force and advisory committee shall:

22           (1) study the existing Crimes Code and any statutory  
23 offenses or suboffenses outside of the Crimes Code;

24           (2) study the existing Judicial Code;

25           (3) study the existing Sentencing Code;

26           (4) identify redundant, overlapping and inconsistent  
27 offenses, irrational and improper grading and potential gaps  
28 in criminal liability;

29           (5) identify out-of-date, antiquated, offensive or  
30 unenforceable language from all provisions of Pennsylvania's

1 Crimes Code, Judicial Code and Sentencing Code, as well as  
2 any consolidated or unconsolidated statutes that could result  
3 in imprisonment and other collateral consequences;

4 (6) make recommendations to the General Assembly  
5 regarding changes in statute to remedy any defects,  
6 redundancies and shortcomings; and

7 (7) make recommendations to the General Assembly  
8 regarding updating antiquated, offensive or unenforceable  
9 language;

10 and be it further

11 RESOLVED, That the task force report its findings and  
12 recommendations to the General Assembly within one year of the  
13 adoption of this resolution.