

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 648 Session of 2023

INTRODUCED BY COSTA, HUGHES, COLLETT, BREWSTER, SCHWANK,
SANTARSIERO, KANE, FONTANA, KEARNEY, COMMITTA, TARTAGLIONE,
MUTH, STREET AND CAPPELLETTI, MAY 8, 2023

REFERRED TO JUDICIARY, MAY 8, 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
16 convicted has shown bias; or

17 (2) complete at least eight hours of community service
18 in benefit to the community against whom the person has shown

1 bias, provided that, from the perspective of the community
2 affected, the community service will not increase the risk of
3 further violence or intimidation against that community.

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

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

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

15 § 9739. Community impact statements.

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

25 (b) Prohibition.--Notwithstanding any other provision of
26 law, during the trial of a defendant accused of an offense a
27 court may not order the exclusion of an individual from the
28 trial on the basis that the individual may, during the
29 sentencing phase of the proceeding, do any of the following:

30 (1) Make a community impact statement or present

1 community impact information in relation to the sentence to
2 be imposed on the defendant.

3 (2) Testify as to the effect of the offense on the
4 community.

5 (c) Contents.--A community impact statement may include the
6 following:

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

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

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

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

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

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

30 "Community impact statement." A written statement that

1 provides information about the financial, social, emotional and
2 physical effects of a defendant's crime on a community.

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