

United Methodist Advocacy in Pennsylvania

April 30, 2019

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Crime-Victims Legislation

The week of April 7 through April 13 was recognized as National Crime Victims' Rights Week.

On April 15, continuing in its commitment to pass victim-related criminal justice legislation, the state House approved two bills. The bills now move to the Senate.

The first, House Bill 854, designates strangulation as a violent offense. The measure passed by a vote of 188-10, after debate regarding understanding of intent to do harm, in the act.

Bill sponsor Rep. Torren Ecker (R-Adams) said, "My bill protects victims, especially women suffering from domestic abuse, from repeat violent offenses. It saddens me that such a horrible and dehumanizing act of violence is only treated as a primary offense still today." (As a "primary offense," those proven guilty currently face minor consequences, such as a fine.)

The second, House Bill 991, sponsored by Rep. Wendi Thomas (R-Bucks), was unanimously approved. It closes a loophole within the existing Public Employee Pension Forfeiture Act relating to sexual offenses committed by public officials and employees.

Thomas said, "As it is currently written, the act states that pension forfeiture will occur if any of the sexual offenses are committed against a student by a school employee, or if an employee of a youth detention center is convicted of raping a child committed to his or her care," Thomas said, noting the act is silent regarding any other public official or employee. "Elected officials must be held to the same standards as other public officials," she said.

Black Caucus Legislation Addresses Policing

On April 16, members of the Pennsylvania Legislative Black Caucus (PLBC) announced a package of legislation regarding community policing and police professionalism.

Rep. Summer Lee (D-Allegheny) introduced herself as the representative of the district where Antwon Rose II and his family lived. She explained that the proposed legislation is a response to the case involving his shooting. She explained that Rose, who was unarmed, was shot in the back while fleeing a police officer. While the officer was charged in Rose's case, she continued, he was recently acquitted of all charges.

She said that it is incumbent on legislators to protect both communities and police departments. In response to the shooting, she and her colleagues will be introducing a legislative package to address policing standards. She explained that the package contains five major bills, but added that the package will not be limited to those bills. The bills will "seek to create professional standards of policing, to increase the safety of our communities and officers alike, and improve the relationship between law enforcement and our public."

The first bill is Rep. Brian Sims's (D-Philadelphia) special prosecutor bill that would require an independent third party prosecutor to investigate cases of police deadly force.

Second, is Rep. Christopher Rabb's (D-Philadelphia) interdepartmental law enforcement hiring bill, intended to create accountability, transparency, and empower departments to make informed choices about who they hire.

Third, is Rep. Jake Wheatley's (D-Allegheny) certification and decertification legislation, to provide standards and to create a process of professional certification and decertification for police officers.

Fourth, is Rep. Donna Bullock's (D-Philadelphia) arbitration bill, which moves police disciplinary decisions from arbitrators to municipal leaders.

Fifth, is Rep. Lee's use of force bill, to remove ambiguity in the language regarding the use of force. Lee noted that it is understood that policing is dangerous and at times force is necessary, but noted that it is also necessary to preserve life. "Our legislation would create clear language around... what sort of force an officer should use, in different situations." Furthermore, the legislation would include mandated de-escalation training.

Rep. Jordan Harris (D-Philadelphia) explained that their goal is to expect a certain level of professionalism and to provide licensing for police and transparency when a police officer moves departments. He said the proposed legislation is not anti-police, but intended to raise the standards for policing.

Though none of the bills has been introduced, Rep. Sims said there is "no reason" why the bills in the package cannot be signed into law during this session.

Hearing Focused on Returning Inmates

On April 23, the Pennsylvania Legislative Black Caucus hosted a House Democratic Policy Committee public hearing to explore criminal justice reform initiatives that will help prepare individuals who paid their debt to society to transition back into the workforce. The hearing took place at Temple University and invited testimony from returning citizens. The message to the committee was that the system needs more resources to help rehabilitate inmates and to avoid recidivism.

Chairman of the Pennsylvania Legislative Black Caucus, state Rep. Stephen Kinsey (D-Philadelphia) said, "I chose re-entry as the topic of discussion because it correlates with so many other issues that Pennsylvanians are already facing. Empowered by the knowledge and experiences that have been shared here today, we can educate law makers and the public on how together, we can collaborate to reduce recidivism, and provide pathways to success for citizens re-entering society."

80,000 adults are currently incarcerated in Pennsylvania—about one percent of the state's population, according to the Pennsylvania Prison Society. The state spends over \$2 billion annually on the Department of Corrections and Governor Wolf has proposed an increase of over \$5 million for the 2019-20 budget.

New Pardons Board Secretary

On April 8, Brandon J. Flood, 38, of Steelton, was named as the new secretary of the state Board of Pardons. Flood is a former state inmate who became a legislative aide. The appointment was made by Lt. Gov. John Fetterman, chair of the Board of Pardons. Fetterman said hiring Flood is a "commonsense move."

The appointment is being touted as a step toward reforming Pennsylvania's criminal justice system. During a Capitol press conference, Fetterman and Flood discussed the pardons process and the need to streamline the handling of clemency applications and the expungement of criminal records for those pardoned.

The five-member pardons board considers applications for clemency from convicted offenders. As secretary, Flood will oversee the office, process clemency applications, oversee background checks for the applications and present information to board members. Flood's personal story was mentioned as potentially beneficial for his new role.

Flood was pardoned by Gov. Tom Wolf for convictions of possession with intent to deliver cocaine when he was 17 and possession of an unlicensed firearm when he was 22. He served a total of nine years in prison due to the two sentences. Following his release, Flood started as an intern in the state House and served in later jobs as executive director of the Pennsylvania Legislative Black Caucus, a policy specialist in the state Department of General Services and Pennsylvania legislative director of the Service Employees International Union.

Rally for Extreme Risk Protection Order Legislation

On April 8, members of Moms Demand Action for Gun Sense in America, as well as legislators and representatives from the executive branch gathered in the Main Rotunda to support SB 90 and HB 1075.

The bills are Senate and House versions of Extreme Risk Protection Order (ERPO) legislation that would assist families and law enforcement officials in restricting access to firearms for those at risk.

Marybeth Christiansen, advocate for Moms Demand Action, stated that much of gun violence is made up of suicide. She noted that family and law enforcement are some of the first people to notice the warning signs of those at risk of suicide and that such legislation is valuable in restricting access to firearms for those at risk. She said that ERPOs are effective, that two-thirds of gun deaths every year are suicides and that 93 percent of school shootings had shooters that exhibited warning signs.

She asserted that states that adopted similar legislation saw a 10 percent reduction in suicide rates. The legislation provides for due process guarantees, respects Second Amendment rights, and establishes penalties to prevent abuse of the system.

Gov. Tom Wolf affirmed that this is an important message and that it is "not time to let up." He urged for more legislative actions, including universal background checks, and stated that the aim is to see Pennsylvania free from gun violence.

Many other advocates and lawmakers spoke in support of ERPO legislation.

Senate Redistricting Bill

On April 9, the Pennsylvania Senate State Government Committee voted to move SB22 to the full Senate, to change the state Constitution to create a new commission to handle remapping of state legislative districts after the 2020 census. The plan would require a constitutional amendment. Sponsors of the bill acknowledge that the proposed legislation will likely face being amended as it progresses.

The bill, by primary sponsor Sen. Lisa Boscola (D-Northampton), would give the Legislature a deciding voice in selecting an eleven-member districting commission. The bill carries the same number as Boscola's redistricting bill last session.

The commission would include four Democrats recommended by party caucus leaders, four Republicans recommended by party caucus leaders and three independents recommended by the governor. They would need to be confirmed by a two-thirds vote in both the House and Senate.

A seven-member super-majority vote, consisting of at least two members from each affiliation group, would be required to approve a redistricting plan.

If passed, the new commission would replace a decades-old system where a five-member commission, composed mostly of legislative leaders, redraws state legislative districts. Congressional districts are presently created through legislation.

This legislation, including constitutional amendment, faces a tight timetable to be ready for the redistricting process that starts in the fall of 2021.

Fair Districts Supports Redistricting Reform Bills

On April 16, advocates for legislative redistricting reform conducted a rally at the state Capitol in support of two House bills, HB22 and HB23. The bills would establish independent redistricting commissions before the 2021 U.S. Census.

The rally by Fair Districts PA comes as time is running out to change the process by which legislative districts are mapped in Pennsylvania.

House Bill 22 is almost identical to Senate Bill 22 (see item above).

House Bill 23 would create an independent commission to map the congressional redistricting process.

Carol Kuniholm, co-founder of Fair Districts PA, described the present mapping protocol as, “The tight knot of dysfunction created when the same men who draw district maps to barricade themselves against the will of voters use their resulting seniority to rig procedural rules to block reforms that would return power to the people and to their duly-elected representatives.” To achieve accountable and responsive government, she emphasized the need to move swiftly to avoid having to wait another decade for the next census.

Rep. Thomas Murt (R-Montgomery) explained the two bills: “Our legislation would have House and Senate district lines drawn by a randomly-selected group of interested voters from both political parties, plus independents and third-party members.”

Rep. Steve Samuelson (D-Northampton) said more than 26,000 people have come to hearings to speak out on redistricting reform and more have contacted their legislator to urge support.

Rep. Pam DeLissio (D-Philadelphia) announced she is re-forming the Government Reform Caucus, which was first established in 2013 by Rep. Bryan Cutler (R-Lancaster) and then-Sen. Rob Teplitz (D-Dauphin). She said the caucus effectively fell apart as a result of the redistricting issue in June of 2016.

Senate Bill Supports Nuclear Power

On April 3, prime sponsor state Senator Ryan Aument (R-Lancaster) introduced Senate Bill 510, to preserve nuclear power as an energy source in Pennsylvania. SB510 is a Senate version of HB11, introduced in the House, in March.

“Nuclear energy is the most efficient, carbon-free producer in our system,” said Sen. Aument. “The loss of Pennsylvania’s nuclear industry will inevitably lead to increased costs for ratepayers, a less reliable and resilient electricity grid, and a loss of billions of dollars for the state’s economy.

Like House Bill 11, Aument’s legislation would add nuclear energy to the state’s Alternative Energy Portfolio Standards Act—see my March report.

According to the U.S. Energy Information Administration in 2017, 42 percent of the state’s net electricity generation was derived from Pennsylvania’s five operating nuclear power plants and is the largest single source of energy in the state. Nuclear power also generates 93 percent of the state’s zero-carbon electricity.

If nuclear production were to cease, Aument argues that not only would it be difficult to replace the zero-carbon electricity, but it would cost the state an estimated \$4.6 billion annually, including \$788 million in electricity cost increases to consumers and \$2 billion in lost state GDP.

However, opponents argue that this legislation is actually a subsidy of a not-so-green energy source—because of the nuclear waste generated. Furthermore, they say, the nuclear power industry will actually profit by more than \$1 billion in 2018 and 2019.

Preparing for U.S. Census

On April 1, members of Gov. Tom Wolf’s Governor’s Census 2020 Complete Count Commission held a Capitol press conference to discuss plans to produce an accurate census count. It is one year before the start of the 2020 U.S. Census.

They stressed the need for an accurate count. Pennsylvania will lose an estimated \$2,093 in federal aid annually for a decade for each state resident not counted in the census. It is especially important to enumerate traditionally hard-to-count populations such as young children, racial and ethnic minorities, undocumented immigrants and rural residents. The commission plans to develop outreach efforts specifically targeted to those populations.

People will be able to submit census information on-line or by phone for the first time, while the census forms will be available in a dozen languages, compared to a half-dozen languages in 2010.

Starting in March 2020, people will receive a notice in the mail to complete the 2020 Census. Starting in May 2020, the U.S. Census Bureau will follow up in person with households that haven't responded to the notice.

Pennsylvania receives more than \$26 billion in federal aid annually for a wide range of purposes, including human services, Medicaid, disease prevention, education, school lunches, heating assistance and transportation. The Federal Government uses census data to distribute that money.

The census also determines whether Pennsylvania will lose any congressional districts, due to changing population trends. Pennsylvania currently has 18 congressional districts, the lowest number since 1920.

Fedderman and Marijuana

Lt. Gov. John Fetterman began a state-wide listening tour in January, with the intention of gauging the feeling of Pennsylvania residents for legalizing marijuana. The tour intends to stop in all 67 of the state's counties. The response, so far, seems to overwhelmingly favor legalization.

But, some Republican lawmakers claim that the show of support for legalization doesn't reflect the attitudes they see in their districts.

In mid-April, four Republican state representatives, John Hershey, Rob Kauffman, Paul Schemel, and Jesse Topper called the tour a "sham" and a "cover to push an agenda of legalizing drugs." They also expressed doubt that Fetterman wanted to listen to opponents.

Earlier in April, state Rep. Cris Dush (R-Jefferson) said that marijuana supporters are over-represented at the events. He commended Fetterman for moderating a civil and respectful discussion in Jefferson County. But, he also suggested that the swell of support is likely the result of motivated legalization advocates. Dush does not believe that the calls for legalization match the true will of the people in his district.

Fetterman has said that the listening tour offers an open, unbiased venue. But according to some experts, there are plausible reasons why proponents have had a strong showing:

First, though polls show that record numbers of Americans support legalization of marijuana, the way polling questions are asked can generate skewed results. Questions with limited responses generate different results compared to more nuanced questioning. A poll by the anti-legalization group Smart Approaches to Marijuana, conducted in New York, found that support of legalization fell by 20 percentage points when participants were asked to choose among legalization, decriminalization, medical marijuana, and full prohibition.

Second, another reason that supporters come out in force is that they have more to gain from legalization than opponents do, said Jonathan Caulkins, a drug policy researcher at Carnegie Mellon University in Pittsburgh. "Advocates are impassioned and turn out," Caulkins said. "People who don't want legalization will tend not to show up."

"I don't think it's artificial, but it is somehow distorted," Caulkins said. "It's not a conspiracy, but it is a phenomenon that those who turn out would be non-representative of who you would get in the general public."

On April 29, Lt. Gov. John Fetterman testified at a House and Senate Democratic joint Policy Committee hearing on marijuana legalization. In sharing findings from his listening tour, the Lieutenant Governor told the Democratic lawmakers that residents in 50 counties, so far, have shown support for legalizing recreational marijuana for adults.

Fetterman said the Wolf administration doesn't yet have an official position on legalization. But, based on what he's seen, he said that 65 to 70 percent of Pennsylvanians think it's time to give the policy a fair hearing. He told lawmakers that only two of the counties he's visited yielded audiences that mostly opposed legalization.

Medical Marijuana Update

On April 4, the Wolf Administration announced that doctors have issued more than 100,000 certifications to allow patients access to the state's medical marijuana program.

"Medical marijuana is an important tool for patients and physicians to treat one of the 21 approved serious medical conditions in the program," said Secretary of Health Dr. Rachel Levine. "It's important for patients to remember that their certification expires, and they have to visit an approved doctor to renew it. While many certifications are for 12 months, some may be for three, six or nine months."

More than 131,000 patients in Pennsylvania have registered to participate in the medical marijuana program, and close to 102,000 have received a patient certification and are able to purchase medical marijuana at a dispensary. In addition to patients, more than 1,500 physicians have registered for the program, 1,099 of whom have been approved as practitioners. More than 780,000 "dispensing events" have occurred at medical marijuana dispensaries across Pennsylvania, with more than 2.2 million products sold.

Pennsylvania Losing Farms

In mid-April, the Census of Agriculture was released. The Ag census takes place every five years. The most recent version encompasses 2012 to 2017.

The data reveals that the number of farms in Pennsylvania fell by 6,156, or more than 10 percent from the last census. The total number of farms dropped to 53,157. The state also lost 400,000 acres of farmland, according to Mark O'Neill, a spokesman for the Pennsylvania Farm Bureau.

There are several possible reasons that the number of farms have decreased. The two most likely are declining farm income and retiring farmers. "Many people may look at farming as if it is a lifestyle," said O'Neill, "but it is also a business, and if farmers operate in the red year after year, they are not going to be able to remain in business."

Dairy farming has especially been hard hit, according to the Ag Census. A substantial loss of 915 dairy operations was recorded between 2012 and 2017. O'Neill added, "we have learned from USDA that the number of dairy farms decreased by another 370 farms in 2018 – meaning the total number of dairy farms entering 2019 was 6,200."

Dairy farmers have not been able to make enough profit to meet expenses. Grain farmers, especially those growing corn and soybeans, have also seen prices drop over the past five years, making it extremely difficult to turn a profit.

Farming is Pennsylvania's largest industry, generating 18 percent of Pennsylvania's gross product in the form of food and agriculture products.

In February, Governor Tom Wolf proposed a \$24 million Farm Bill to help farmers meet current economic challenges, transition to a future of changing markets and changing consumer demands, and stem the loss of family farms and dairy farms. The plan came out of a recent study of agribusiness conditions by the Department of Agriculture. It will be a major item in the 2019-20 state budget discussions.

The General Assembly has several pieces of legislation, in various stages, to aid and support agriculture in the state.

PA's Official Amphibian

On April 23, Gov. Tom Wolf signed Senate Bill 9 naming the Eastern Hellbender as the official amphibian of Pennsylvania. The nocturnal eastern hellbender is a 2-foot-long salamander that needs clean streams to thrive. It is the largest salamander in North America. It is also called the snot otter, lasagna lizard and mud devil.

The Governor pointed out that the previous official designation of this type was granted to the firefly in 1974, as the state's official insect.

Governor Wolf asserted that the eastern hellbender is important because its presence is a sign of good water quality. Wolf said, “The decline of the eastern hellbender is also a reminder to get serious about climate change before we lose any more of our species.”

At the signing, primary bill sponsor Sen. Gene Yaw (R-Lycoming) explained that students from the Chesapeake Bay Foundation’s Student Leadership Council came to his office three years ago and wanted to have the eastern hellbender named as the state amphibian. He noted that the whole undertaking had been a great education for the students. Yaw added, “The hellbender is the canary in the coal mine.” He explained that if the eastern hellbender is present, it is an indication that a stream is in a condition of good quality.

Pennsylvania Joins U.S. Climate Alliance

On April 29, Gov. Tom Wolf was joined by lawmakers at a press conference to announced that effective immediately, Pennsylvania is joining the U.S. Climate Alliance. He stated that this bipartisan coalition of 24 governors represents over half of the U.S. population and is committed to implement policies that uphold commitments the U.S. made in the Paris Climate Accord to reduce greenhouse gas emissions.

He noted Pennsylvania is a major energy producing state and acknowledged there are challenges facing the energy industry but said he is confident “we can make smart decisions that advance our economy while ensuring the Pennsylvania we pass on to future generations is even healthier than the one we inherited.”

The Alliance was formed in 2017 after President Donald Trump announced his intent to withdraw from the 2015 Paris Climate Agreement. “With the federal government turning its back on science and the environment, I am proud to join with states that are leading the way towards new climate solutions and taking concrete,” said Wolf.

Wolf also released the *Pennsylvania Climate Action Plan 2018* and endorsed Senate Bill 600 and House Bill 1095, newly introduced measures to require that 30 percent of Pennsylvania's electricity be purchased from alternative energy by 2030.

The “30 by 30” goal is reasonable and achievable and in line with the state action plan, said Rep. Steve McCarter (D-Montgomery), a sponsor of the House bill.

The state’s Climate Action Plan includes a goal of reducing overall greenhouse gas emissions by 26 percent by 2025, from levels in 2005, and 80 percent by 2050. The plan includes 100 separate actions.

A key Republican senator expressed skepticism. “The plan released today does not clearly define any benefits to be achieved and delivered to the citizens of Pennsylvania,” said Sen. Gene Yaw (R-Lycoming), Majority Chairman of the Senate Environmental Resources and Energy Committee.

Westmoreland County Largest Population Decrease

In mid-April, the U.S. Census Bureau released data identifying Westmoreland County as having the largest population decrease in Pennsylvania between 2010 and 2018. The county lost over 14,580 people, averaging a decrease of about 1,815 people per year. Cambria, Erie and Schuylkill counties were next in order. Allegheny County experienced the largest decrease in population between 2017 and 2018, at 2,200.

Part of the issue is an aging population. According to the census data, Westmoreland County had the highest number of natural losses, or deaths, between 2010 and 2018, amounting to about 11,210 people. Luzerne County followed, losing about 6,870 naturally.

Philadelphia County, the most populous county in the state, saw an increase of about 65,930 people through births between 2010 and 2018, followed by Lancaster County with about 17,750 births.

Equal Pay Rally

On April 8, Legislators and advocates gathered in the Capitol to support pay equity for women.

Barbara Price, public policy co-chair of the Pennsylvania chapter of the American Association of University Women (AAUW), stated that AAUW’s mission centers on achieving pay equity for women. Since many

households depending on women, pay equity will help women with student debt, childcare, food, mortgages, utilities, and rent. Pay equity will help raise women out of poverty and add \$20 billion to the state's gross domestic product (GDP).

Judith Guise, legislative chair of Business and Professional Women of Pennsylvania (BPW/ PA), stated that the goal of BPW/PA is to achieve pay equity. She mentioned that a quilt is being made to symbolize the wage gap and when the gap is closed, it will be presented in the Capitol.

Sen. Steven Santarsiero (D-Bucks) recognized Sen. Maria Collett (D-Montgomery), Rep. Brian Sims (D-Philadelphia), and Rep. Tina Davis (D-Bucks) for their efforts in pay equity legislation. He observed that it is not just about fairness, but about the economy as well. Passing pay equity will boost the economy, lift families out of poverty, support earners, and protect women from retaliation.

Rep. Donna Bullock (D-Philadelphia) noted Gov. Tom Wolf's executive order that provided pay equity for his administration's employees and she called for more women in power to help push along pay equity legislation.

Karen Showalter, member of Moms Rising, said that women are either the main or a major breadwinner for almost half of families and that everyone is affected by the wage gap, not just women.

Rep. Tine Davis expressed frustration that many argue that pay inequity is a myth. She noted that one of the reasons Amazon did not choose Pennsylvania for HQ2 was due to Pennsylvania's lack of training and equality for women.

Rep. Brian Sims stated that legislation that addresses pay inequity should also address fringe benefits, children, seniority programs, and holding employers accountable. He concluded by appealing to his fellow male colleagues, observing that it is "incumbent on us" to fix the problem.

School Choice Tax Credit Bill

On April 29, the House Education Committee referred House Bill 800 to the full House, by a 14-8 party-line vote. The bill, sponsored by House Speaker Mike Turzai (R-Allegheny) would expand the amount of tax credits available under the **Educational Improvement Tax Credit** (EITC) program by \$100 million to \$210 million.

Under the EITC program, businesses are eligible for a tax credit on their state tax payment if they contribute to a scholarship organization, educational improvement organization or pre-kindergarten scholarship organization. Students receive scholarships from these organizations to help pay the tuition charged by non-public schools. The bill would add an automatic escalator to the program, increasing the EITC scholarship cap by 10 percent, whenever 90 percent of the tax credits were claimed in the prior years. The bill would increase the maximum annual household income for scholarship eligibility by \$10,000 to \$95,000.

Turzai said that providing more non-public school choice options for students is a priority of his caucus and expanding the tax credits will help do that. He argued more EITC funding is needed because last year half of the scholarship applications in Pennsylvania were denied.

But House Democratic Education Chairman James Roebuck, D- Philadelphia, said the EITC program is moving away from its initial goal of providing scholarships to low-income families. "The EITC has become simply a subsidy for children already enrolled in non-public schools," he said.

The committee also approved Senate Bill 115, requiring the state Education Department to provide for CPR instruction.

Lt. Governor Election Reform

On April 29, the state Senate passed SB133, by a vote of 46-2. The bill would change the process for choosing the Lt. Governor in Pennsylvania.

Presently, the lieutenant governor is determined in the primary election, and runs separately from the governor in the general election. Senate Bill 133 would change the process to allow candidates for governor to select their own lieutenant governor candidate after the primary election, as a running mate.

"In the past, we have seen a leadership team separate into two warring factions that spent weeks not talking to one another," said SB133 prime sponsor Sen. Dave Argall (R-Schuylkill). "If we want to succeed in

Pennsylvania, then the Commonwealth's top two executive officials need to see eye-to-eye on the issues and not get distracted by petty rivalries.”

SB133 would result in a constitutional amendment, requiring the House to pass it this session, and both chambers to again approve the same measure during the 2021-22 Legislative Session, before it could go before the voters as a referendum.

Bills Address Sex Abuse Grand Jury Recommendations

On April 10, the state House of Representatives passed two bills to address child sexual abuse, HB962 and HB963. These were the first two—and highest profile—of four recommendations from last year's state grand jury report on clergy child sex abuse.

House Bill 962 would amend the PA Judicial Code to eliminate the statute of limitations on future child sexual abuse cases if the victim was under the age of 18 at the time of the offense. The bill also extends the time that an individual is entitled to pursue civil action from 12 to 37 years (up to age 55) after reaching 18 years of age.

House Bill 963 proposes an amendment to the state Constitution to provide a two-year window from the effective date of the act for lawsuits against the state in cases regarding childhood sexual abuse in instances where the statute of limitations has expired.

House Bill 962 becomes effective following the first passage of House Bill 963 by both chambers of the General Assembly.

On April 17, the state House of Representatives passed two bills addressing the other two recommendations of the grand jury report on clergy child sexual abuse, HB1051 and HB1171.

House Bill 1171 was approved unanimously by the House. It would specify that civil confidentiality agreements with abuse victims that include bans on communicating with law enforcement are “void and unenforceable”—applying to both past and present such agreements. Bill sponsor Rep. Tarah Toohil (R-Luzerne) said that the targets of the grand jury investigation had misused non-disclosure agreements to silence abuse victims from cooperating with law enforcement.

House Bill 1051, approved 168-22, would clarify when increased penalties apply to mandated child abuse reporters for failing to report child sex abuse. Bill sponsor Rep. Todd Stephens (R-Montgomery) commented, “The recommendations of the grand jury to us were to clarify that when individuals fail to report suspected child abuse...there be some enhanced penalties and we have some clarity when those enhanced penalties would apply.”

Reacting to the House's votes on the four bills reflecting the grand jury report's recommendations, state Attorney General Josh Shapiro said in a statement, “With today's votes, the PA House of Representatives has now passed all four of the reforms recommended last August by a Grand Jury investigating child sexual abuse and cover up in the Catholic church.”

Following passage of the four bills, Republican leaders said efforts to pass victims-related bills has been intended to give a voice to those who may feel like they've been silenced. During the first half of April, the House sent the Senate 14 bills with a focus on crime victims.

Dai Morgan

