

# Judiciary Committee UPDATE

State Representative

# TIM BRIGGS

## 149th Legislative District



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## YEAR IN REVIEW

While the legislative session had a slow start, the House Judiciary Committee began moving legislation on the very day I became Chairman. It has been a productive session for us as we moved transformative legislation that will positively impact many of our families, friends, neighbors, and communities.

Now that we are well into our 2024 session days, I would like to give you an update on the House Judiciary Committee's efforts to move commonsense public policy grounded in sound research and public opinion. Since serving as the Majority Chairman of the committee, we moved 125 pieces of legislation to the House chamber for a vote. 31 bills had Republican prime sponsors and 85 of the bills received bipartisan support.

We passed legislation to protect child victims of sexual abuse, address the scourge of gun violence, provide protections for victims of hate crimes and sex trafficking, provide juveniles opportunities to get their lives back on track, and provide second chances for those caught up in the criminal justice system. We helped with Pennsylvania State Police recruitment as well as local police accountability and training. We renewed the Wiretap Act so someone cannot record you without your consent, took reasonable steps to confront organized retail theft enterprises and porch pirates, and began the process to codify a woman's right to bodily autonomy within Pennsylvania's Constitution. We also reported out legislation of the committee and to the House chamber to protect women who travel to the Commonwealth for medical care and to protect same-sex marriage in Pennsylvania.

We've been busy taking testimony on many issues and recently held public hearings on jury duty reforms, reforms to the use of solitary confinement in our prisons, and the scheduling of controlled substances. We also took a hard look at an antiquated felony murder rule that is unique to Pennsylvania.

I am proud to report that we were able to get 28 bills to Governor Josh Shapiro's desk for signature, including dignity for incarcerated women, Clean Slate 3.0, probation reform, funding

for public defenders, automatic record expungement after receiving an unconditional pardon, renewal of the Wiretap Act, the Uniform Family Arbitration Act, protection for children during child custody proceedings, help for victims of human trafficking, and we added much need judges in underserved counties, among others.

However, some of our top priorities before us have not had action in the Senate.

Overall, the committee was the most active standing committee in the General Assembly. We accomplished big things that have been stalled for years. Hopefully, Democrats continue our majority and gain more partners in the Senate to continue moving PA forward. None of this would be possible without your support, counsel, and guidance. Together we can make Pennsylvania a better place to live, raise a family, work, and retire.



# CRIMINAL JUSTICE

I am proud to announce the passage of several significant criminal justice reform bills in Pennsylvania, now signed into law by Governor Josh Shapiro. These measures reflect a balanced approach with much-needed reforms and targeted enhancements to our justice system.

One of the cornerstone achievements is the expansion of the Clean Slate law. This legislation extends automatic expungement eligibility to certain non-violent felony offenses and reduces the waiting periods for sealing misdemeanor and summary offenses. This change will help many individuals move past their criminal records, enhancing their opportunities for employment and housing. Additionally, it addresses transparency issues identified by a PennLive investigation, ensuring county courthouses do not improperly seal public case files.

Equally important is the comprehensive reform of our probation system. The new law mandates judges to tailor probation

terms to individual circumstances, such as employment and child-care responsibilities. It establishes a presumption against total confinement for minor probation violations, aiming to reduce unnecessary incarceration. The law also introduces a structured timeline for status conferences, allowing individuals to petition for early termination of their probation. However, it also includes provisions for administrative probation for those owing restitution, ensuring victims receive due compensation while maintaining appropriate supervision.

Other key measures signed into law include broadening civil rights for incarcerated women, maintaining and expanding speed camera programs in Philadelphia and requiring fentanyl and xylazine screening in diagnostic urine tests. Additionally, we have created a special prosecutor focused on crimes within Philadelphia's public transit system to enhance safety and accountability.



These legislative changes were achieved through bipartisan cooperation and reflect our commitment to making Pennsylvania's justice system more fair, effective and just. While there are differing opinions on some aspects of the reforms, the overall package represents a significant step forward in our efforts to balance public safety with second chances and justice for all.

I am proud of the work we have done and look forward to the positive impact these new laws will have on our communities.

# POLICE ACADEMY RECRUITMENT

In addition to House Democrats fighting for funding to add additional recruitment classes for the State Police, we also worked to assist recruitment efforts by our municipal police departments. Governor Josh Shapiro has signed into law a significant measure aimed at enhancing the recruitment process for our municipal police academies, particularly in Philadelphia.

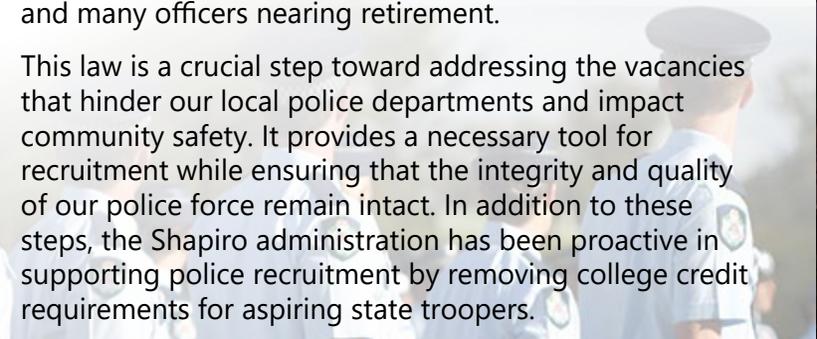
Act 37 of 2023, authored by State Representative Dan Williams, updates the physical fitness standards required for police academy recruits in cities with populations of one million or more. This change adjusts the minimum benchmark in the physical fitness test from the 30th percentile to the 15th percentile. It is important to note that cadets will still need to meet the original 30th percentile standards to become employed as police officers.

The law also updates reading comprehension standards that have posed challenges to recruitment statewide. It mandates that the commission overseeing police training and certification standards approve two reading

comprehension tests and evaluate additional tests submitted by academies. It also requires a report to the General Assembly on how current standards in physical fitness, education, and psychological evaluation impact police recruitment and training.

Philadelphia officials have expressed the need for these changes, highlighting a potential shortfall of 1,000 officers in the coming years. The Philadelphia Police Department has been facing a significant shortage since 2020, with current staffing well below budgeted levels and many officers nearing retirement.

This law is a crucial step toward addressing the vacancies that hinder our local police departments and impact community safety. It provides a necessary tool for recruitment while ensuring that the integrity and quality of our police force remain intact. In addition to these steps, the Shapiro administration has been proactive in supporting police recruitment by removing college credit requirements for aspiring state troopers.



# SAFEGUARDING HEALTHCARE AUTONOMY

House Bill 1888 is a significant measure aimed at amending the Pennsylvania Constitution to protect abortion rights. Sponsored by Representative Danielle Friel Otten, this bill is a response to the *Dobbs v. Jackson* decision, which repealed the federally protected right to an abortion.

House Bill 1888 aims to guarantee "personal reproductive liberty" in Pennsylvania and ensure the right to choose or refuse contraception, fertility care, and abortion. Currently, Pennsylvania's Constitution does not explicitly address abortion, and the procedure is legal up to 24 weeks of gestation. By enshrining these rights in the state constitution, we protect the personal health and economic futures of Pennsylvania women, regardless of political changes.

A hearing by the House Judiciary Committee saw both support and opposition. I emphasized that politicians should not interfere with a woman's right to choose and the urgency of protecting these rights in light of restrictive measures in other states.

As we move forward, House Bill 1888 must pass both legislative chambers in two consecutive sessions before appearing on a general election ballot for Pennsylvania voters. This bill represents a crucial step in ensuring reproductive rights remain protected and highlights our commitment to safeguarding the health and autonomy of all Pennsylvanians.

# FUNDING INDIGENT LEGAL DEFENSE

I am pleased to announce a historic milestone for Pennsylvania. For the first time, our state will provide funding to counties for indigent legal defense. This initiative marks a significant step towards ensuring fairness and equity in our justice system.

For many years, The House Democratic Caucus had been advocating for the funding outlined in House Bill 1085, sponsored by Rep. Napoleon Nelson. It was a significant milestone when Governor Josh Shapiro included this funding in his 2023-24 budget proposal, and last year, \$7.5 million was allocated for indigent defense, making Pennsylvania the final state in the nation to begin funding indigent defense at the state level.

The \$7.5 million is a crucial first step but is acknowledged as insufficient to completely address the indigent defense challenges in our state. The new legislation establishes an indigent defense advisory committee and a grant fund. The committee will develop state-specific standards for indigent defense, and the grant fund will support counties that cannot meet these standards with their current resources.

This initiative aims to provide some level of equity, ensuring that indigent defendants and their public defenders are not overwhelmed by the system. Public defenders are often some of the best attorneys, but they frequently lack the resources necessary to mount an adequate defense. This funding will help alleviate excessive caseloads and provide the support needed for comprehensive legal and social services.

This legislative advancement is a significant step forward, creating a foundation for future improvements and helping to build a more equitable justice system. While there is still much work to be done, we are trending in the right direction, and I am confident that these measures will lead to better outcomes for indigent defendants across Pennsylvania.



# PROTECTING REPRODUCTIVE HEALTHCARE RIGHTS AMID NATIONAL CHALLENGE

House Bill 1786 would ensure that Pennsylvania courts not cooperate with out-of-state civil and criminal cases involving reproductive healthcare services. It also safeguards individuals in Pennsylvania from being arrested by officials from other states for abortion-related offenses. In light of the U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, which declared that the U.S. Constitution confers no right to an abortion, this protection is more necessary than ever.

The *Dobbs* decision has led to total or near-total bans on abortion in many states, leaving nearly one in three women aged 15 to 44 without access to essential healthcare. Women in these states are being denied urgent and sometimes lifesaving medical care. House Bill 1786 ensures that the Commonwealth of Pennsylvania would not be complicit in other states' efforts to undermine reproductive rights. While we cannot change the laws of other states, we can and must provide a safe haven for those seeking and providing reproductive healthcare services here. This bill reinforces our commitment to protecting the health and rights of all individuals in Pennsylvania.

The House passed H.B. 1786 and it awaits action by the Republican-controlled Senate.



## TOUGHER PENALTIES FOR 'PORCH PIRATES'

Governor Josh Shapiro has signed a new bill creating a criminal offense specifically for "porch pirates," targeting those who steal packages from homes. The law establishes a "theft by mail" crime for unlawfully taking, transferring, or controlling another person's mail, which also includes delivery packages, with the intent to deprive them of it. Penalties increase with each subsequent offense and vary based on the item's value. A first offense for stealing items valued under \$200 is punishable by up to 90 days imprisonment and/or a \$300 fine, while a second offense can result in up to two years imprisonment and/or a \$5,000 fine. For higher-value items, the penalties for a first or second offense can be up to five years imprisonment and/or a \$10,000 fine, and for third or subsequent offenses, up to seven years imprisonment and/or a \$15,000 fine.

The new law is necessary due to the significant rise in package theft, exacerbated by increased online shopping. According to a *Forbes* article, 8 in 10 Americans experienced package theft last year, with an estimated total value of \$19.5 billion. Pennsylvania joins eight other states in enacting similar laws to combat this growing crime. Officials emphasize that updated criminal statutes are needed to address modern offenses effectively and note the financial and emotional toll of package theft on families, particularly during the holiday season.

## FAMILY LAW ARBITRATION ACT

House Bill 917, introduced by state Representatives Melissa Shusterman and Tina Davis, passed the Pennsylvania House of Representatives with unanimous, bipartisan support, and was signed into law by Governor Josh Shapiro. The bill has had bipartisan backing throughout the legislative process, including the House's initial consideration last year and its consideration in the Senate. H.B. 917 creates the Uniform Family Law Arbitration Act to provide families with a voluntary and private process to resolve disputes with the help of an arbitrator. Proponents argue that court proceedings for family law disputes can be financially ruinous and emotionally draining, often placing children in the middle of prolonged legal battles. It offers arbitration as an alternative, particularly beneficial in cases involving domestic violence, as it allows for quicker resolutions. This bill was developed over many sessions, leadership and signed into law by the Governor.

# KAYDEN'S LAW

Governor Josh Shapiro has signed Kayden's Law, (Senate Bill 55, companion legislation to House Bill 1928 sponsored in the House by Representative Perry Warren), aimed at preventing child abuse during court-ordered visitations. Named after Kayden Mancuso, a seven-year-old from Bucks County who was murdered by her biological father during a visit in August 2018, the bipartisan bill passed unanimously in the Senate and was approved by the House on March 25 with a 119-82 vote.

The law reforms the state's child custody statute by adding seven crimes that judges must consider before granting custody and visitation. It strengthens the factors judges must weigh, making child protection the top priority, and ensures that custody orders include necessary safety conditions if there is an ongoing risk of abuse, such as supervised visitation. Additionally, it encourages the Pennsylvania Supreme Court to implement annual training programs for judges and court personnel on child abuse, adverse childhood experiences, and domestic violence.



## EXPANDING ANTI-SLAPP LAW TO PROTECT FREE SPEECH IN PA

Strategic Lawsuits Against Public Participation, or SLAPPs, are lawsuits filed against individuals or organizations for statements made or positions taken on matters of public interest or regulation. These lawsuits often invoke legal theories such as defamation, invasion of privacy, nuisance, malicious prosecution, abuse of process, conspiracy, intentional infliction of emotional distress, and interference with contract or economic advantage. However, the true purpose of a SLAPP is to deter or silence critics by burdening them with the costs of a legal defense, effectively stifling open debate on public issues and discouraging others from speaking out due to the fear of facing similar lawsuits and the associated expenses.

This legislation was introduced following the unfortunate closure of the Old City Civic Association in Philadelphia, a community organization that had to shut its doors after being unable to secure insurance due to multiple SLAPP lawsuits. The Senate Judiciary Committee's 2014 hearing on SLAPPs highlighted numerous testimonies from across the Commonwealth, revealing the severe emotional, mental, and financial toll these lawsuits impose on individuals and organizations. SLAPPs are also being used to undermine movements like #MeToo by threatening victims of sexual harassment with legal action to silence them. This bill empowers individuals and organizations to combat frivolous suits by establishing a process for the swift dismissal of SLAPP lawsuits based on protected speech, with provisions for recovering attorney's fees and damages. With the passage of House Bill 1466, sponsored by state Representative Ryan Bizzarro, Pennsylvania joins 30 other states in providing robust protections against SLAPPs, ensuring that people can freely engage in public discourse without fear of retribution.



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# SENATE INACTION ON CRITICAL GUN LEGISLATION

I am proud to have successfully helped pass significant gun legislation through the House, aimed at protecting Pennsylvanians and reducing gun violence. However, I am disheartened by the Senate's failure to act on these bills. The House has done its job in passing legislation to enhance public safety, and now it is time for the Senate to do what is right and prioritize the well-being of our citizens.

- H.B. 1018 - Extreme Risk Protection Orders (ERPOs): This legislation provides a mechanism for family members, loved ones, or law enforcement to petition a judge to temporarily disarm individuals in crisis. This measured response has been shown to reduce suicides in Pennsylvania, offering a lifeline to those struggling with mental health issues.
- H.B. 777 - Closing Loopholes on Untraceable Gun Parts: This bill prohibits the purchase, sale, and production of untraceable and unserialized gun parts, closing dangerous loopholes and ensuring that all firearms can be traced.
- H.B. 714 - Universal Background Checks: This bill mandates background checks for all firearms, regardless of barrel length, ensuring that the sale or transfer of any firearm, whether through a licensed retailer, private transaction, or at a gun show, is conducted safely and legally.

