

# Judiciary Committee UPDATE

State Representative

# TIM BRIGGS

## 149th Legislative District



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## Proud to lead the Judiciary Committee

In January, I was named Democratic Chairman of the House Judiciary Committee. As chairman, I'm proud to be a progressive voice on some of the most critical issues facing our communities, such as gun safety and criminal justice reform.

The Judiciary Committee reviews all legislation relating to aspects of the civil and criminal court systems, law enforcement and corrections.

The committee historically is one of the busiest committees in the legislature and oversees the Pennsylvania State

Police, Attorney General's Office, Department of Corrections, State Ethics Commission, Pennsylvania Commission on Crime and Delinquency, Pennsylvania Commission on Sentencing and the Municipal Police Officers Education and Training Commission. The committee is responsible for evaluating prison staffing, inmate populations and housing conditions.

This session, the committee has been tasked with reviewing legislation on topics including gun safety, probation reform, judicial selection, hate crimes

and the statute of limitations for victims of childhood sexual abuse.

I'm honored to lead this committee and represent your voices on these important issues. The 149th Legislative District is a wonderful community and you have always played a major role in guiding me through difficult issues and assisting me in developing my legislative priorities. I welcome you to contact me to discuss issues that may be of particular interest to you as they relate to the Judiciary Committee. You can read more on the committee's work in this newsletter.



## Gun safety reform: Fighting to protect our communities

As we've continued to see mass shootings in Pennsylvania and the rest of the United States, I remain committed to promoting gun safety through legislative action. My Democratic colleagues on the Judiciary Committee and I have called on our Republican colleagues to bring meaningful gun reform legislation to the table.

One of my key pieces of legislation for this session is **H.B. 525**, which would require the safe storage of firearms in homes where children may be present.

Too often, acts of gun violence could have been prevented with a few simple precautions. Those who fail to safely store their firearms are putting young lives at risk and should face consequences for their recklessness.

Under my bill, failure to comply would result in a third-degree felony if the gun is used in a crime or if death or grievous injury is caused, or a summary offense (third-degree misdemeanor if a second or subsequent offense) if a child is simply found in unlawful possession of a firearm.

Accidental shootings and suicides by firearms have impacted thousands of children and families across the state, and I hope this legislation would ensure that only those trained to use guns are able to access them in the home.

House Democrats have introduced meaningful gun reform legislation that is supported by Governor Tom Wolf. Polling shows these proposals are popular among the public. These bills include:

- **H.B. 326** would prevent individuals on the No-Fly List from owning guns.
- **H.B. 673** would establish universal background checks.
- **H.B. 1075** would temporarily disarm people considered "an extreme risk."
- **H.B. 1288** would require people who misplace their firearms to report the loss.
- **H.B. 1456** would increase penalties for straw purchases of guns.

Unfortunately, Republican majority Chairman Rob Kauffman has stated that he will not allow votes on the key bills mentioned above. He instead moved several Republican-sponsored bills that don't address gun safety and, in some cases, will make our laws worse.

I will continue pushing for gun safety legislation that puts the safety of our communities first. Thousands of Pennsylvanians die each year from gun violence, and we have to do something about it.

# News from the Attorney General's Office

*I wanted to share these updates from the Attorney General's Office, which falls under the purview of the Judiciary Committee. No one is above the law, and I support Attorney General Josh Shapiro's aggressive work to protect Pennsylvanians.*



## Combating the opioid crisis

As Pennsylvania continues to combat the opioid crisis, I'm pleased to see Attorney General Shapiro taking action to try to hold parties accountable.

This year, Shapiro has filed lawsuits against Purdue Pharma, the creator of the prescription painkiller OxyContin, as well as its founders and owners.

Along with three other attorneys general, he is also pushing for a \$48 billion settlement with five companies for their roles in fueling the opioid epidemic.



## Protecting the environment

In October, Shapiro filed comments against a proposed U.S. Environmental Protection Agency rule that he and other attorneys general say would violate states' rights and hinder our ability to protect our water.

Earlier this year, he also called on the EPA to issue a new asbestos reporting rule in order to better protect people's health and the environment from the highly hazardous substance. He also reached an \$8 million settlement with Fiat Chrysler and auto supplier Robert Bosch for selling or leasing vehicles that allegedly contained illegal defeat devices that allowed them to pass emissions inspections without actually being compliant.

## Student debt

In June, Shapiro's office announced that \$5.3 million in debt relief was secured for 570 former ITT Tech students in Pennsylvania. His office has so far secured \$50 million in student loan debt relief for Pennsylvanians, as he looks to fight back against predatory student loan companies and for-profit colleges that take advantage of students.

Making sure Pennsylvanians have access to a quality, affordable higher education is one of my priorities. My legislation to establish the Higher Education Funding Commission became law this year, and I voted to freeze tuition as a member of the Pennsylvania State System of Higher Education Board of Governors. I'm glad to see the Attorney General focus on this issue as well.

## Fighting back against robocalls, caller ID spoofing

Shapiro has called for the Federal Communications Commission to take further action to stop the growing problem of illegal robocalls and spoofing. The number of spoofed calls and the consumer financial losses tied to these scams have increased by nearly 50 percent in recent years.

The federal government must act to stop scammers, but here in Pennsylvania we've taken action to help you avoid unwanted calls from solicitors.

In October, Governor Wolf signed Act 73 of 2019, which amends existing law so you won't have to keep signing up for the Do Not Call list.

The updates to the Telemarketer Registration Act require registration of a number on the "Do Not Call" list be maintained as long as the phone number is valid – or until a consumer asks that it be removed. Previously, consumers had to re-register every five years.

I was happy to vote for this bill in the House. Learn more about the Do Not Call list at [www.attorneygeneral.gov](http://www.attorneygeneral.gov).



## Census 2020: Make sure you are counted!

Census 2020 is on the horizon, and it's incredibly important that we get a complete and accurate count.

The data collected shapes our communities, drives where funds are invested and tells us where to build schools and libraries and map out roads. Programs such as federal student loans and grants, Medicaid, the Supplemental Nutrition

Assistance Program, and housing loans all rely on federal funding that is guided by Census data.

You'll start to receive notices to complete the 2020 Census in the spring. Visit my website, [www.pahouse.com/briggs](http://www.pahouse.com/briggs), for ongoing updates on this issue.

# Reforming our criminal justice system

The United States has the world's largest prison population – with about one-quarter of the world's prisoners, but only 5 percent of the world's population, according to the Southern Poverty Law Center.

Pennsylvania, which has the second-highest percentage of citizens on probation or parole in the country, has seen its prison population increase by approximately 850 percent over the past 40 years at a cost of \$2.4 billion per year to taxpayers (though in recent years, our prison population has started to see a decrease). A recent study of information from the Pennsylvania Department of Corrections showed that nearly one-third of prison beds were occupied by people who violated terms of their probation or parole.

Mass incarceration only increases the costs to our communities and keeps many individuals trapped in the system, unable to move forward even after paying their debt to society. That's why in Pennsylvania, we are taking a hard look at our criminal justice system.

The House is considering three bills that make up JRI2, the second phase of the Justice Reinvestment Initiative – an effort to reduce corrections spending and reinvest in strategies to reduce recidivism and improve public safety.

- **S.B. 500** would create a County Adult Probation and Parole Advisory Committee.
- **S.B. 501** would streamline the process for placement in State Intermediate Punishment, allowing parole agents to quickly detain parolees for violations and streamlining the process for paroling people who receive a short sentence to prison. The bill would also revise sentencing laws and the direction that the General Assembly gives to the Pennsylvania Committee on Sentencing to improve our system of sentencing.
- **S.B. 502** would amend the Crime Victims Act to better provide information and compensation to victims.

All three bills unanimously passed the Senate in June and were referred to the House Judiciary Committee.

JRI2 aims to address the high cost of incarceration in the state, improve sentencing policies to further reduce recidivism, improve and streamline access to the State Drug Treatment Program, structure increased funding for county probation, and strengthen support for evidence-based programs and effective supervision.

This builds on other criminal justice reform efforts, including the "Clean Slate" law, which is helping those who have committed low-level offenses and have paid their penalty get back on the path to a blemish-free record, removing potential roadblocks to jobs, housing, health care, and education.

# Opposing bills that would change judge selection

Earlier this year, I voted no as the Judiciary Committee voted out two judicial selection bills that would change the way Pennsylvania selects appellate court judges by making it much more political and less fair for our communities.

**House Bill 111** would amend the Pennsylvania Constitution to replace the election of appellate judges with a merit selection system, creating an Appellate Court Nominating Commission and requiring the General Assembly to establish three judicial districts.

**House Bill 196** would amend the Pennsylvania Constitution to create judicial districts for election of appellate court justices and judges.

I voted no, because I believe amending our constitution should be a deliberative process with public hearings and input, and neither of these bills has been publicly vetted. I have been a supporter of merit selection but unfortunately these bills will make the process far more political than the current process. For example, H.B. 196 would implement judicial gerrymandering, where a party in control can draw judicial districts however they see fit. I will not support any process that is unfair and driven by political gamesmanship rather than the greater good of society.

Because both bills would amend the constitution, they'd have to pass the House and Senate in two consecutive sessions before going to voters for a referendum.

In addition, as the practice of amending our state constitution seems to be increasing under the Republican majority, I have introduced **H.R. 201** to amend our House rules to require all proposed constitutional amendments to receive at least one public hearing prior to final approval.



# Taking a stand against hate

In October, I stood with colleagues from the House and Senate to announce the introduction of legislation that would make it clear that we won't tolerate hate in Pennsylvania.

My office was part of a working group that produced several bills to better address hate crimes in Pennsylvania. The contemplated bills would:

- Update and strengthen the Crimes Code provisions that address hate-related criminal conduct by expanding the groups against whom intimidation is prohibited, to include sexual orientation, persons with mental and physical disabilities, and ancestry.
- Strengthen the civil statutes in the Judicial Code to provide for civil liability for persons who solicit an actor to engage in unlawful intimidation or who provide or attempt to aid an actor to engage in such conduct.
- Provide a procedure for a court to consider the impact of hate crimes on affected communities.
- Provide more complete training to law enforcement to aid in identifying and combating such conduct.
- Create a post-secondary institution policy for reporting such conduct.

Two of these bills have been referred to the Judiciary Committee, and I'll do everything I can to try to ensure they are swiftly addressed. It's time we made it clear that hatred is unacceptable.



## Raising the age for tobacco – a move that could save lives

The dangers of cigarette smoking and vaping are clear, and that's why I supported legislation to increase the legal age to use tobacco products, including e-cigarettes, from age 18 to 21.

**Senate Bill 473**, which raises the age to 21 with an exception for military members, passed the Senate and House and was signed into law as Act III by the Governor in November. The law goes into effect July 1.

Preventing youth initiation of tobacco is important for reducing the overall damage that tobacco use causes. According to the American Lung Association, about 95 percent of smokers try their first cigarette before age 21, and many tobacco users transition from experimenting to using tobacco regularly between the ages of 18 and 21.

Use of tobacco products in any form has been proven to be unsafe, especially during adolescence, and can lead to nicotine

dependence and subsequent tobacco-related diseases and death.

Cigarette smoking causes 22,000 deaths each year in Pennsylvania. Nationally, in the last 50 years, nearly 21 million people in the United States have died due to tobacco-related illnesses, making it the leading cause of preventable death in the country.

Both the House and Senate also passed, and Governor Wolf signed, **House Bill 97, now Act 93**, which adds e-cigarettes to the ban on tobacco sales to minors. The Pennsylvania Health Department has warned of the potential health effects of e-cigarettes.

Both of these laws will better protect our children's health and help us save lives.



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## Justice for victims: Reforming the statute of limitations

Both the House and Senate passed House Bills 962 and 963, compromise legislation to address the need for justice for childhood victims of sexual abuse.

This issue has bewildered the legislature for nearly 20 years without solution. I am proud that I played a vital role in passing this two-bill package to finally provide justice to these long-suffering survivors.

**House Bill 962, now Act 87**, eliminates the criminal statute of limitations for child sexual abuse entirely, extends the civil statute of limitations for childhood sexual abuse until the victim reaches age 55, and waives sovereign and governmental immunity related to childhood sexual abuse. Governor Wolf signed the bill into law on November 26.

**House Bill 963** calls for a constitutional amendment that would open a retroactive two-year window so that victims who have aged out of the current statute could sue for damages.

In order to amend the Pennsylvania Constitution, the proposed amendment must pass two legislative sessions in a row and be approved by voters in a referendum. The earliest this bill could be on the ballot is spring 2021.



The House joined the bills to encourage the Senate to consider both bills and avoid the possibility of the Senate ducking the retroactive window in favor of the statute changes. Importantly, the Senate voted on both bills simultaneously, sending H.B. 962 to the governor's desk and positioning H.B. 963 for a second vote at the start of the next legislative session.

This is a historic step toward allowing victims of childhood sexual abuse to get the justice they deserve.