

Judiciary Committee UPDATE

State Representative



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Dear friends and neighbors,

We are living through scary times. The COVID-19 pandemic has turned our world upside down, and we are experiencing uncertainty in almost every aspect of our lives. We don't know exactly what school or sports will look like this fall, we don't know if we'll be ordered to stay at home again or worse; what will happen if a loved one gets sick. I understand the anxiety many of you are feeling. I truly believe that we are stronger than we think we are, and we will make it through this crisis by sticking together and continuing to pursue a responsible, comprehensive and safe response to COVID-19.

In my role as Democratic chairman of the House Judiciary Committee, I've been working to address many of the issues the pandemic has created, from courtrooms to the corrections system. My staff and I are here to help you in any way possible, and we are working to make sure we do the best to weather this storm. Please don't hesitate to reach out to my office if you need assistance.

Sincerely,

Working for justice: Police reform bills become law

In recent months, communities around Pennsylvania and the rest of the country have come together in peaceful protests to speak out against systemic racism resulting in the loss of innocent black lives. The calls for justice happened around the world, as well as up the street and even in the House chamber by some of my Democratic colleagues.

And I'm proud to say their calls for action were heard.

As Democratic chairman of the House Judiciary Committee, I worked with my colleagues to move several pieces of legislation swiftly through the committee. On July 14, Gov. Tom Wolf signed two bills into law:

- H.B. 1910, now Act 59, mandates training for law enforcement officers, including training on interacting with individuals of diverse backgrounds, training on

use of force and de-escalation, and it requires post-traumatic stress disorder evaluations, by request of the officer or a supervisor or within 30 days of an incident involving lethal use of force.

- H.B. 1841, now Act 57, creates a statewide database to maintain records of misconduct by law enforcement officers and requires an employer to disclose employment information to another employer for the purpose of background checks when hiring a law enforcement officer.

This is progress toward improving police-community relations. But there are many more proposals that have been put forward and deserve to be heard. I hope this is just the first of many steps, as we work to end injustice and ensure all Pennsylvanians are treated fairly.

Removing barriers to work for people with criminal convictions

In July, Governor Wolf signed S.B. 637, which removes barriers that can keep individuals with past criminal convictions from moving forward and finding employment. The bill was reported out of the Judiciary Committee in June.

Under the new law:

- Boards and commissions can no longer use a person's criminal history to deny someone an occupational license unless their criminal history is directly related to the occupation in which they are seeking licensure.
- Boards must individually consider applications based on the offense, the amount of time since the conviction, and the applicant's personal progress and training, among other factors, before withholding licensure.
- Boards must create a public list of criminal offenses that may prevent licensure.
- Individuals are allowed to get a preliminary decision if their conviction is likely to disqualify them from licensure so they do not waste time and money on training. Individuals can still apply and present evidence to support their licensure.
- Temporary licenses in barbering and cosmetology are created for reentrants trained in a correctional facility who otherwise would be denied a license because of their criminal record. Licensees can work one to two years and demonstrate competency.

Individuals who have paid their debt to society deserve the opportunity to build better lives, and removing barriers to employment will help them do that.

Consumer protection during the pandemic

The Pennsylvania Attorney General's Office has reported that its Bureau of Consumer Protection has saved Pennsylvania consumers \$1.65 million during the COVID-19 pandemic.

The office has returned funds to consumers for a wide range of scams and fraudulent practices, including refunded payments on canceled camps or travel arrangements.

The office has also been investigating reports of price-gouging during the pandemic, which can be reported by emailing pricegouging@attorneygeneral.gov.

Scammers can try to take advantage of a crisis like the COVID-19 pandemic. For tips on avoiding scams or to sign up for consumer alerts, visit attorneygeneral.gov.

Pursuing safe solutions for vital law work

Early in the COVID-19 outbreak, Governor Wolf issued an order requiring businesses that were not considered life-sustaining to close – legal services included.

This created some confusion because the PA Supreme Court has the exclusive authority to regulate the practice of law.

In the case of lawyers, one size does not fit all, and many attorneys found themselves on the front line in dealing with significant issues related to constitutional rights of clients during this trying time.

In my role as chairman of the Judiciary Committee, I urged the Governor's Office and the Administrative Office of Pennsylvania Courts (AOPC) to work together on a solution – and ensure that any lawyers continuing to practice did so safely. The administration and the court worked together and issued guidance that permitted access to law offices by attorneys and staff to the degree necessary to allow attorneys to participate in court functions deemed essential by the court, as long as social distancing and other mitigation practices were followed. All other business was to be conducted remotely.

Throughout this public health crisis, I've advocated for ways we could reopen sectors of our economy safely and responsibly, and I was pleased to help arrive at a resolution in this case.

Update: Judicial gerrymandering effort passes Senate

I wanted to update you on an effort to change the way Pennsylvania selects appellate court judges – making it more political and less fair to our communities.

In July, the Senate passed H.B. 196, which seeks to amend the Pennsylvania Constitution to create judicial districts for election of appellate court justices and judges. I voted no when this legislation passed the House in December.

This bill would implement judicial gerrymandering, where a party in control could draw judicial districts as they see fit. I will not support a process that is unfair and driven by political gamesmanship.

The majority party is pushing for this following the PA Supreme Court decision upholding Governor Wolf's disaster declaration for COVID-19 and the Court's 2018 order that resulted in newly drawn (and less gerrymandered) congressional districts. But political parties should not be able to remake the court when decisions don't go their way.

Additionally, amending our constitution should be a deliberative process with public hearings and input, and this bill has not been publicly vetted.

Because this bill would amend the constitution, it must pass the House and Senate again in the next legislative session, before going to voters in a referendum.

Working to mitigate COVID-19 in the corrections system

As we have learned, congregate settings have been one of the most challenging in which to battle the coronavirus. The Judiciary Committee has been working with the Department of Corrections to safely reduce the prison population during the pandemic, to mitigate the risk of widespread infection and to avoid the overrunning of local health systems that would come with it.

The Department of Corrections began a statewide inmate quarantine in March to ensure social distancing among inmates. In May, the department released plans to slowly reopen prisons, reducing restrictions depending on the number of new COVID-19 cases, as well as the designation of the county where the prison is located.

Steps were taken to reduce the prison population where

possible, through steps such as furloughing paroled individuals from centers to home plans; working with the parole board to maximize parole releases; expediting the release process for anyone with a pending home plan; reviewing inmates beyond their minimum sentence; and reviewing parole detainers for those in county jails and state prisons.

As of June 30, 2020, the Department of Corrections population stood at 42,101. That's the lowest since October 2005, when the population was 41,992. The Department of Corrections' all-time high population was 51,757 in June 2012.

My staff and I will continue working with the Department to ensure health and safety in the corrections system.

Gun safety reform is more important than ever

Gun sales increased during the second quarter of 2020, according to Pennsylvania State Police – the months when the COVID-19 pandemic was at its height and strict mitigation measures were in place.

During those months, there were 314,319 checks conducted through the Pennsylvania Instant Check system compared with 217,444 during the same time period in 2019.

If we're seeing more interest in gun purchases during this highly stressful time, it's increasingly important that

we also act on meaningful gun safety reform.

I've introduced legislation, H.B. 525, to require gun owners to safely store firearms in homes where children are present. Failure to comply with this rule would result in a third-degree felony if the firearm 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 found in unlawful possession of a firearm.

Sadly, in July, state police in Franklin

County arrested a 13-year-old boy for fatally shooting his 9-year-old brother in the back of the head with a loaded 9mm handgun while playing "cops and robbers." The boy's father kept the gun unsecured in the console of a couch. The boy has been charged as an adult with criminal homicide.

It's a tragedy that should never have happened – and we can keep it from happening again.

My bill, along with many other commonsense safety proposals, is stalled in the Judiciary Committee.

Statewide small business grants for COVID-19 relief



Supporting small businesses has been a priority throughout the pandemic, and it's critical as we've worked to reopen the economy.

When the legislature adopted the state budget, we allocated \$225 million in federal CARES Act funding to support the small businesses that have struggled during the COVID-19 pandemic.

The COVID-19 Relief Pennsylvania Statewide Small Business Assistance program will provide grants ranging from \$5,000 to \$50,000. The first application window was open through July 14, but applications were expected to continue being accepted for future rounds of funding. Businesses apply through local Community Development Financial Institutions.

Visit www.pabusinessgrants.com for the latest information on this program and potential additional rounds of funding.



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MODERNIZING THE VOTE FOR 2020

No-Excuse Mail-In Voting

-  You can now apply to vote by mail - no excuse needed.
-  Convenient and on your own schedule.
-  You can return your completed ballot by mail in the envelope provided or drop it off in person to your county board of election's office.
-  Apply for a mail-in ballot by 5pm on the Tuesday before the election.



Mail-in voting now available

Mail-in voting is now available without an excuse in Pennsylvania.

This is a safe, convenient way to make your voice heard, and I encourage voters to consider this option, especially since we don't yet know what the COVID-19 pandemic will look like in November.

Apply for a mail-in ballot or get more information at www.votespa.com.

Oct. 19 is the last day to register to vote before the Nov. 3 general election. Oct. 27 is the last day to apply for a mail-in or absentee ballot.

votesPA.com

Supporting workers: Hazard pay, family leave

Throughout this pandemic, our communities have been served by essential, frontline workers who have put their own health and safety at risk on our behalf, and it's critical that we support those workers with the pay and protections they deserve.

As the legislature debated bills to reopen various parts of our economy, I fought for measures like hazard pay to ensure those essential employees who risk their health to keep working during the emergency are compensated accordingly. When the legislature allocated federal CARES Act funds, we included \$50 million to reimburse employers who offer hazard pay to their workers.

The pandemic has also highlighted the need to support our hard-working families.

I've introduced legislation to create the Pennsylvania Paid Family Leave Act, which would allow eligible employees up to 12 weeks leave at full pay, counted against the federal Family and Medical Leave Act leave to which they are entitled. Especially during a pandemic, parents and others should be able to take leave to care for new children or sick family members without fear of losing their job.

