

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 269 Session of 2023

INTRODUCED BY KINKEAD, RABB, MADDEN, HOHENSTEIN, KHAN, BOROWSKI, HILL-EVANS, D. MILLER, OTTEN, SANCHEZ, KAZEEM, SCHLOSSBERG, WARREN, DALEY, GREEN AND CEPEDA-FREYTIZ, NOVEMBER 30, 2023

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 10, 2023

A CONCURRENT RESOLUTION

1 Directing the Joint State Government Commission to establish a
2 bipartisan task force to study any consolidated or
3 unconsolidated State statutes in the Pennsylvania Crimes
4 Code, Judicial Code, Sentencing Code or elsewhere under which
5 a term of imprisonment and other collateral consequences may
6 be imposed in order to identify redundant, overlapping and
7 inconsistent offenses, improper grading and gaps in criminal
8 liability, out-of-date, antiquated, offensive or
9 unenforceable language and to make recommendations to the
10 General Assembly.

11 WHEREAS, In 1972, the General Assembly enacted the Crimes
12 Code in Title 18 of the Pennsylvania Consolidated Statutes,
13 which contained 282 carefully considered offenses and
14 suboffenses; and

15 WHEREAS, Since the Crimes Code's enactment, it has expanded
16 more than fivefold and now contains more than 1,500 offenses and
17 suboffenses, the majority of which were created without a
18 thorough review of the entire Crimes Code; and

19 WHEREAS, According to a 2009 report on offense grading
20 jointly commissioned by the Judiciary Committee of the Senate
21 and the Judiciary Committee of the House of Representatives and

1 authored by Professor Paul H. Robinson as well as the University
2 of Pennsylvania's Criminal Law Research Group, this ad hoc
3 expansion of the Crimes Code has resulted in a "system of
4 offenses marked by irrational and contradictory grading
5 differences, and offense grades that seriously conflict with the
6 values of Pennsylvania residents" in addition to various
7 overlapping and duplicative offenses; and

8 WHEREAS, The addition of numerous new offenses and changes to
9 the Crimes Code since the publication of the 2009 report has not
10 only exacerbated the issues identified in the report but has
11 also extended to new, inconsistent and outdated provisions in
12 our Commonwealth's Judicial Code and Sentencing Code, as well as
13 other statutes, consolidated or otherwise, for which a term of
14 imprisonment and other collateral consequences may be imposed;
15 and

16 WHEREAS, A rational crimes code with offenses that coincide
17 with the views of the residents of this Commonwealth, in
18 conjunction with a cohesive Sentencing Code and a consistent
19 Judicial Code, is necessary to build and sustain public trust in
20 the laws of this Commonwealth and in the interpretation of those
21 laws by the judiciary; and

22 WHEREAS, The ever-increasing size and scope of the Crimes
23 Code has made it difficult for legislators to identify and
24 remedy gaps in criminal liability within the Crimes Code; and

25 WHEREAS, The convoluted nature of the Crimes Code has also
26 made it difficult for residents to fully comprehend the offenses
27 and grades within the code; and

28 WHEREAS, This is contrary to the goal of the Crimes Code,
29 which is to provide the public with a clear and comprehensible
30 list of prohibited activities and their punishments; and

1 WHEREAS, A cohesive and rational Crimes Code, Judicial Code
2 and Sentencing Code would be advantageous for the residents of
3 this Commonwealth and every constituency working within the
4 criminal justice process as it would serve to reduce confusion
5 and provide a consistent approach to crime and punishment and
6 any attendant penalties contained in statutes that include
7 offenses for which a term of imprisonment and other collateral
8 consequences are possible outcomes; and

9 WHEREAS, Eliminating or updating out-of-date, antiquated,
10 offensive or unenforceable language from all provisions of
11 Pennsylvania's Crimes Code, Judicial Code and Sentencing Code,
12 as well as any consolidated or unconsolidated statutes that
13 could result in imprisonment and other collateral consequences,
14 would finally modernize the language of our codes, thereby
15 ensuring that the State laws reflect the views of the residents
16 in this Commonwealth consistently and unequivocally; and

17 WHEREAS, The General Assembly should be knowledgeable about
18 the state and nature of the Crimes Code and aware of any
19 oversights, deficiencies and redundancies within the Code that
20 would best be resolved; therefore be it

21 RESOLVED (the Senate concurring), That the General Assembly
22 direct the Joint State Government Commission to establish a
23 bipartisan task force to study any consolidated or
24 unconsolidated State statutes in the Pennsylvania Crimes Code,
25 Judicial Code, Sentencing Code or elsewhere under which a term
26 of imprisonment and other collateral consequences may be imposed
27 in order to identify redundant, overlapping and inconsistent
28 offenses, improper grading and gaps in criminal liability, out-
29 of-date, antiquated, offensive or unenforceable language and to
30 make recommendations to the General Assembly; and be it further

1 RESOLVED, That the task force consist of two members of the
2 Senate, one appointed by the President pro tempore of the Senate
3 and one appointed by the Minority Leader of the Senate, and two
4 members of the House of Representatives, one appointed by the
5 Speaker of the House of Representatives and one appointed by the
6 Minority Leader of the House of Representatives; and be it
7 further

8 RESOLVED, That the Joint State Government Commission oversee
9 the creation of an advisory committee to assist the task force
10 in conducting the study and making recommendations; and be it
11 further

12 RESOLVED, That the advisory committee shall have 30 members
13 appointed by the Governor with the consent and approval of the
14 task force, comprised of representatives from the Office of
15 Attorney General, the Pennsylvania Commission on Crime and
16 Delinquency, the Public Defender Association of Pennsylvania,
17 the Pennsylvania Association of Criminal Defense Lawyers, the
18 Pennsylvania District Attorneys Association, the judiciary, law
19 enforcement agencies, private and public organizations involved
20 in criminal justice issues and additional members as the task
21 force deems appropriate; and be it further

22 RESOLVED, That the task force and advisory committee shall:

23 (1) study the existing Crimes Code and any statutory
24 offenses or suboffenses outside of the Crimes Code under
25 which a term of imprisonment and other collateral
26 consequences may be imposed;

27 (2) study the existing Judicial Code;

28 (3) study the existing Sentencing Code;

29 (4) identify redundant, overlapping and inconsistent
30 offenses, irrational and improper grading and potential gaps

1 in criminal liability;

2 (5) identify out-of-date, antiquated, offensive or
3 unenforceable language from all provisions of Pennsylvania's
4 Crimes Code, Judicial Code and Sentencing Code, as well as
5 any consolidated or unconsolidated statutes that could result
6 in imprisonment and other collateral consequences;

7 (6) make recommendations to the General Assembly
8 regarding changes in statute to remedy any defects,
9 redundancies and shortcomings; and

10 (7) make recommendations to the General Assembly
11 regarding updating antiquated, offensive or unenforceable
12 language;

13 and be it further

14 RESOLVED, That the task force report its findings and
15 recommendations to the General Assembly within ~~one year~~ TWO
16 YEARS of the adoption of this resolution. <--