



Eastern Region Office
PO Box 40008
Philadelphia, PA 19106
215-592-1513 T
215-592-1343 F

Central Region Office
PO Box 11761
Harrisburg, PA 17108
717-238-2258 T
717-236-6895 F

Western Region Office
313 Atwood St.
Pittsburgh, PA 15213
412-681-7736 T
412-681-8707 F

TO: ACLU of PA Board of Directors
ACLU of PA Staff

FROM: Andy Hoover, Legislative Director

DATE: February 20, 2009

RE: LEGISLATIVE UPDATE

On January 6, the 2009-10 legislative session of the Pennsylvania General Assembly officially started with the House and Senate swearing-in ceremonies. On January 26, the state legislature returned to Harrisburg for its first week of session and held three weeks of session before breaking on February 11 for budget hearings. They will return to Harrisburg on March 9.

We have been actively pursuing our agenda in the initial weeks of session.

LGBT non-discrimination. A bill will be introduced in the House in March to amend the Pennsylvania Human Relations Act to include “sexual orientation” and “gender identity or expression.” As of this writing, the bill has 78 co-sponsors, equaling the number of co-sponsors from last session. On March 17, the Value All Families Coalition, of which we are a founding member and lead organizer, will hold a lobby day and rally at the state capitol in support of this bill, which will be House Bill 300 when it is introduced.

On a related note, I wrote a letter to Allegheny County Councilwoman Amanda Green in support of her effort to pass a human relations ordinance. That letter is available on our website under “Legislation” and “Current Session.”

Real ID. In March, a Senate bill and maybe a House bill will be introduced to block Pennsylvania’s participation in the federal Real ID program. It is not clear what the Obama administration and Congress will do about Real ID, so we are continuing to put the pressure on at the state level. In January, I submitted a memo to Senate and House leadership emphasizing the budget implications of Real ID. That memo is available on the “Current Session” page of our website.

Death penalty and mental retardation. A co-sponsorship memo has been circulated in the Senate by Senator Mary Jo White (R-Venango County) announcing her intention to introduce a bill on our position on this issue, codifying the procedure for a judge to determine whether or not a defendant is mentally retarded before trial. I am working with the Arc of PA to educate House members on this issue. The Senate will be no problem. The House has always been our high hurdle.

Voting reform. Bills have been introduced to allow early voting (HB 46, HB 238) and no-excuse absentee balloting (HB 317, SB 269). We are supporting these bills under the premise that there should be as few barriers to the ballot as possible to allow more citizens to participate in our democracy. The House bills have been referred to the State Government Committee, where Chair Babette Josephs (D-Philadelphia) intends to give them some attention. Voting reform is a major priority for national, and as you know, our community organizing and legal departments were heavily involved in election protection work in the fall.

Sex education. Two bills related to sex ed will be introduced soon. Rep. Chelsa Wagner (D-Allegheny County) will introduce the Healthy Youth Act, which will require all public schools that teach HIV prevention to also teach comprehensive sex ed. Rep. Eddie Day Pashinski (D-Lackawanna County) will introduce the Notice Home Act, which will require schools that teach abstinence-only-until-marriage sex ed to send a notice home to parents informing them of the education their children are not receiving. Carol and I have been working with Planned Parenthood and the Pennsylvanians for Responsible Sex Education coalition on this.

Bills opposed. Multiple bills have been introduced that we'll oppose. Most of the bad bills that have been introduced so far have little chance of moving. The most significant threats are the following:

- **Senate Bill 56.** This bill would require schools to report a long list of crimes to the police, from the most serious to the least serious. For example, the bill requires incidents as minor as institutional vandalism and disorderly conduct to be reported. It continues the movement of increased criminalization of young people. A hearing was held on this bill in the Senate Education Committee on February 4, but it has not yet moved. Juvenile law, disability rights, and educational law advocates are opposed to this legislation, and I have informed them that we are with them in opposition.
- **Parole reform.** No legislation has been introduced yet, but I anticipate there will be attempts to further restrict parole for repeat violent offenders, based on statements from the legislature and the governor. The Senate Judiciary Committee held a hearing on the issue on January 27, and the witnesses and committee members gave a tempered approach to the issue, recognizing that tearing down the parole system is a bad idea. However, the House Judiciary Committee had a hearing scheduled on the issue for February 19 that was heavy with police witnesses. That hearing was postponed after the most recent Philadelphia police shooting.

Media coverage. Attached to this report you will find the most recent media coverage from the legislative department.

Capitol Ideas with John Micek The Morning Call

http://blogs.mcall.com/capitol_ideas/
January 15, 2009

Better Know A Lobbyist.

In which we debut a new, occasional **Capitol Ideas** feature. From time to time, we'll be introducing you to one of the seemingly countless lobbyists who actually move the agenda here in Harrisburg. They're easy to spot because they're mostly better dressed and way better looking than the average lawmaker or journalist.

This morning, it's **ACLU-PA Legislative Director Andy Hoover**.

Name: Andrew Hoover

Age: 35

Hometown: Hummelstown, PA (I've lived in Dauphin County all but 6 years of my life)

Title: Legislative Director, American Civil Liberties Union of PA

So How'd You Get This Gig Anyway?

"Charm and good looks. Actually, I was a community organizer for ACLU-PA, starting in December, 2004. The boss must have been happy with my work. And I spent a fair amount of time working alongside my predecessor, Larry Frankel. Larry was here 15 years, so he knows how to maneuver around the Capitol. I learned a lot working with him. He still works for the ACLU, in D.C., so we talk often. I also have experience in media and social service work, so I have a well-rounded resume."

Thing That's Surprised You Most About Harrisburg:

"Generally speaking, the people are very nice, from both chambers, both parties, and from the governor's office. Legislators and their staff often get a bum rap from the public."

Issue You'll Be Tracking Closely This Session:

"Amending PA's non-discrimination law to include 'sexual orientation' and 'gender identity or expression.' Ending Real ID, the feds' national ID card program, in PA, which 11 states have already done. The recommendations from the Senate's advisory committee on wrongful convictions, which is due to release its report in mid-year."

If I Weren't A Big-Shot Power-Broker, I'd Be:

"I'm still working on that big-shot power-broker thing. But I'd be the play-by-play voice of the Pitt Panthers, my alma mater. That was my dream early in my career when I was doing sportscasting."

Last Book Read:

"Tao te-Ching,' by Lao Tzu."

Complete The Following Sentence: "One Thing You Should Never ..."

"... do is turn down a free meal if you work for a non-profit or in the media."

The Daily Collegian

University Park, PA

February 2, 2009

http://www.collegian.psu.edu/archive/2009/02/02/official_language_bill_sparks.aspx

Official language bill sparks debate

By Jacquie Tylka
Collegian Staff Writer

Pennsylvania has a state bird, the ruffed grouse. It has a state flower, the mountain laurel. Now, legislators in Harrisburg are hoping to add a state language, a move some say is slightly more weighty.

State Rep. Kerry Benninghoff, R-Centre, and more than 30 other House members are pushing to make English the official language of the commonwealth.

"It's a way of identifying with the country," Benninghoff said. "We know it is not the only language in the commonwealth, but we think it should be considered the official language."

That isn't to say citizens would be barred from speaking other languages -- Benninghoff says his legislation would simply link English to the commonwealth's identity, akin to the state beverage, bird and fossil.

But the Jan. 26 bill has alarmed those who fear an official language would discourage diversity, including Andy Hoover, legislative director of the American Civil Liberties Union of Pennsylvania.

Hoover pointed to Hazleton, Pa., which made English its official language in 2006. The move caused tension in the community, Hoover said, which was 19 percent Hispanic in 2007.

"We oppose making English the official language of Pennsylvania," Hoover said. "What the mayor did in Hazleton caused a serious division in his town."

ProEnglish, an advocacy group for making English the official language at local, state and federal levels, supports Pennsylvania passing such legislation, communications director Raegan Baker said.

"English unifies the country," she said, adding 30 states already have similar legislation in place.

Countries without an official language are struggling, Baker said. Just look at Belgium: The country of two languages, Flemish and French, is splitting along cultural lines, and that's something ProEnglish doesn't want to happen in the United States, Baker said. Benninghoff was sure to address critics of the bill who worry making English the official language of the country -

- or even the commonwealth -- could harm the diversity America was founded on and still treasures.

"This should not be perceived as a negative or infringement on someone who speaks another language," he said.

Supporters of the bill recognize the commonwealth hosts both bilingual and multilingual citizens, he said, and making English the official language of the state is not a prohibition on all other languages. Still, the division in Hazleton -- which hosts a Penn State branch campus -- worries Hoover, who fears a similar splintering of the state if the bill is passed.

The Philadelphia Daily News

Philadelphia, PA

February 12, 2009

http://www.philly.com/philly/hp/news_update/20090212_Shocking_development__Taser_videos.html

Shocking development: Taser videos

By WILLIAM BENDER
Philadelphia Daily News

If state Rep. Bryan Lentz has his way, the next time someone shouts, "Don't Tase me, bro!" the Taser will be listening.

The perp might still get zapped with 50,000 volts, but a miniature video camera and microphone installed on the stun gun itself could legally capture the entire incident, under a bill Lentz introduced yesterday in Harrisburg.

"Anytime cops use force, the use of force is questioned," said Lentz, a Delaware County Democrat and former Philadelphia assistant district attorney. "It oftentimes ends up in litigation when people say it wasn't justified.

"But if you have the audio and video of an officer repeatedly saying, 'Get down!' 'Show us your hands!' or 'Drop your weapon!' and then the Taser is being used, it removes any question of whether the use of force was justified," he said.

The recording technology is available - for a price - but Pennsylvania's restrictive wiretapping law doesn't allow it.

Lentz's bill would create an exception in the state Wiretapping and Electronic Surveillance Control Act to enable police officers to use state-of-the-art Tasers that can record sound and video.

A similar bill he introduced last year cleared the Judiciary Committee, but never came up for a vote in the full House. It may have a better chance of passage this year, because the Pennsylvania Chiefs of Police Association is behind it.

"Without hearing what the officers are commanding, you don't appreciate the context of the situation," said Swarthmore Police Chief Brian Craig, whose nine officers have stun guns with video.

Craig cited a video in which a woman is being ordered to show her hands because a knife is in her lap - out of view of his officer's Taser Cam.

The Tasers carried by Swarthmore police cost about \$1,500 each, Craig said, and they could record audio if the bill passes. The Philadelphia Police Department does not have any Tasers with recording capability, said Lt. Frank Vanore.

Lentz's amendment, co-sponsored by 21 Democrats and 13 Republicans, would require cops to inform individuals "as soon as reasonably practicable" that a Taser has recorded footage of them.

The second-term lawmaker said that he doesn't anticipate heavy opposition to the bill, outside of civil libertarians wary of "opening the door" to further exceptions in the wiretapping law.

"There are people who are afraid to tinker at all with the wiretap act," Lentz said. "A lot of people like very much that we have such a restrictive law. Probably politicians who don't want their conversations recorded."

Andy Hoover, legislative director for the American Civil Liberties Union of Pennsylvania, said yesterday that his organization is not taking a position on the amendment.

As a privacy matter, the ACLU typically opposes any weakening of the state's wiretapping law, but Lentz's bill also could increase officer accountability and help resolve police-brutality cases, which Hoover said often result in he-said-she-said stalemates.