

**ACLU OF PENNSYLVANIA  
LEGISLATIVE REPORT  
Submitted by Larry Frankel  
Legislative Director, ACLU of PA  
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There have been many new and interesting developments on legislative matters in the last few weeks. In this report I will briefly summarize the latest on civil liberties issues in Harrisburg and Washington, D.C. If you would like any more information about any of these matters, please feel free to contact me.

**In Harrisburg**

**LGBT Issues** – Two bills have been introduced that impact on LGBT equality in Pennsylvania. In the Senate, there is a comprehensive adoption bill, SB 637, that could mean real trouble for second parent adoptions in Pennsylvania. We are already working with a wide range of folks to fight to protect second parent adoptions. In the House, State Representative Dan Frankel has introduced HB 1417, a legislation that would recognize life partners and give life partners certain rights with respect to medical decision-making and hospital visitation. Both of the bills have been referred to the relevant Judiciary Committee and no other action has been taken on either bill.

**Death Penalty and Mental Retardation** – Four bills have been introduced in Pennsylvania that would implement the *Atkins* decision. Those of us who supported the efforts of Senators Helfrick and Kukovich last session are most interested in HB 1410 introduced by Representative Kathy Manderino and SB 631 introduced by Senator Mary Jo White because both bills provide for the possibility of a pre-trial determination. The bills are not identical. They have differing definitions of mental retardation. The language regarding pre-trial determination is identical in the two bills.

The other two bills, HB 698 introduced by Representative Dennis O'Brien and SB 334 introduced by Senator Stewart Greenleaf, are identical and provide for a determination of mental retardation only after a verdict of guilty of first degree murder.

Both of the Senate Bills have been referred to the Senate Judiciary Committee and both of the House Bills have been referred to the House Judiciary Committee. We are working with a number of other organizations to build further support for the bills that provide for a pre-trial determination.

**Court Interpreters** – On May 10, 2005, Senate Bill 669 was reported from the Senate Judiciary Committee. This is the legislation that several groups, including the ACLU of Pennsylvania, have been working on for the last couple of years. The prime sponsor of the bill is Senator Jay Costa from Pittsburgh who is the Democratic Chair of the Senate Judiciary Committee. We will be focusing our efforts on trying to move this bill through the Senate Appropriations Committee and then to the floor for a vote.

**Evolution vs. Intelligent Design** – House Bill 1012, which has been introduced in the PA House of Representatives, would permit school districts to teach intelligent design as part of the instruction on the theory of evolution. Senate Resolution 70, which has been introduced in the Senate of Pennsylvania, acknowledges that the Pennsylvania standards on science education require the teaching of evolution and encourages all school districts to teach evolution. We have been working with others (particularly scientist types) to build opposition to the House Bill and support for the Senate Resolution.

**Education Tax Credits** – We oppose Senate Bill 507 which seeks to limit the ability of the Rendell Administration to monitor and evaluate how Pennsylvania's Educational Improvement Tax Credits program is working. While Senate Bill 507 does call for the collection of some data, it does not permit for the collection of most of the information that is needed to properly evaluate the scholarship program. The legislation explicitly limits the collection of information not specifically mentioned in the bill. That means the department cannot ask for the names of the schools where students are going, the number of students who are using the scholarships to transfer from public schools, or any questions related to performance of the students. The ACLU believes that without such information, no meaningful evaluation of the program can be made and that without such information, there is no real accountability. Although this bill has passed the Senate, we are working on keeping it from going anywhere in the House.

**Lobbyist Disclosure Legislation** – Two different bills providing for lobbyist disclosure have started moving. Senate Bill 1 has passed the Senate. In the House, House Bill 700 has been reported from the State Government Committee. I am monitoring both bills to make sure that any views on the need to make sure that in an attempt to promote disclosure of what lobbyists do the legislature does not impair the right to petition the government or the right of lawyers to zealously represent their clients.

**Felon Disenfranchisement** – I have been making presentations on the right of felons to vote in Pennsylvania. I also met with the Public Education Committee of our Greater Pittsburgh Chapter to brainstorm how they can spread the word on the right of felons to vote.

**SR 149 – Task Force on Geriatric and Seriously Ill Prisoners** – The Task Force is scheduled to meet on May 20, 2005, at which time I hope we will be finalizing our recommendations for legislative and administrative changes that will help Pennsylvania deal with the growing number of elderly and seriously ill prisoners.

### **In Washington, D.C.**

In April I worked with our national staff in trying to influence both Senator Specter and Senator Santorum to oppose the inclusion of provisions from the REAL-ID Act in the supplemental appropriations bill for military operations in Iraq and Afghanistan. Unfortunately, the provisions of the REAL-ID Act were included in the final conference report on the funding bill.

Also in April, I went with staff from our national office to meet with a staffer for Congressman Dent. We also met with Congresswoman Allyson Schwartz. At both meetings we discussed the proposed constitutional amendment on flag desecration and the proposed constitutional amendment on same-sex marriage.

This week I will be participating in our central Pennsylvania events with former Congressman Bob Barr. We are using these events to foster our relationships with conservative organizations that share our concerns with the overreaching Patriot Act.