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TO: House Judiciary Committee

FROM: Andy Hoover, Legislative Director

DATE: June 15, 2009

RE: OPPOSITION TO HOUSE BILL 1567

On Tuesday, the House Judiciary Committee is scheduled to consider House Bill 1567. This bill would create flat sentences and expand the length of sentences for persons who commit repeat offenses involving violence, who illegally possess a firearm, or who commit robbery. When a person repeatedly commits these offenses, the penalties are already significant. In addition, alternative means for addressing crime continue to go untapped in Pennsylvania. The American Civil Liberties Union of Pennsylvania opposes HB 1567. On behalf of the 15,000 members of the ACLU of PA, I urge you to please vote “no” on this bill.

Under the current “three strikes” law, a person who commits a third offense faces a sentence of 25-50 years or possibly life if the judge finds that a life sentence is necessary to protect public safety. In this situation, a young person will be well into middle age before he even becomes eligible for parole. Studies show that most crime is committed by young people and that recidivism drops as people age. Expanding this sentencing law is wholly unnecessary.

By creating flat sentences, HB 1567 takes away an important tool for inmate control from the Department of Corrections. Under the current parole system, a person who is incarcerated has incentive to exhibit good behavior in prison. For example, a person who becomes eligible for parole after 10 years but who could serve a maximum of 20 years has the potential to leave prison many years before the maximum sentence, if he models positive behavior. With a flat sentencing system, the carrot to inspire positive behavior from inmates is taken away.

The ACLU of PA is particularly troubled by the provision of HB 1567 that requires adjudications of delinquency to count as strikes against a person. Pennsylvania’s approach to juvenile justice must be revisited. The juvenile justice system exists because the commonwealth recognizes that kids are different. And science backs that up. Research on the development of the brain indicates that the area of the brain that controls impulsive and irrational behavior does not fully develop until a person is in his mid-20s. Any one of us knows that we are not the same people at 30, 40, or 50 that we were at 15. And yet we increasingly treat children who commit offenses as if they are adults.

The General Assembly continues to miss opportunities to address crime in ways that are financially prudent and don't involve further incarceration of people. For example, probation and parole officers are typically overworked. If their caseloads were diminished, they could give more individual attention to persons on parole who HB 1567 targets.

In addition, drug and alcohol abuse and mental illness are often at the root of violent crimes. Greater attention to these illnesses, both in prisons and in communities, could deal with these crimes without the state's additional burden of incarcerating people.

House Bill 1567 continues the commonwealth's propensity for answering crime by locking up more people. After several decades of this approach and a state prison population that tops 50,000, it should be clear by now that putting more people in prison simply doesn't work. Please vote "no" on HB 1567.