

More Law, Less Justice

2019-2020 Session

Over the last four decades, the Pennsylvania General Assembly has become a bipartisan offense factory, churning out hundreds of new bills each legislative session that seek to add new crimes and penalties to our already bloated criminal code. This unrelenting expansion diverts power away from judges into the hands of prosecutors and police, contributing to ever-greater incarceration of hundreds of thousands of Pennsylvanians. Despite the multi-billion dollar price tag to fund our mass incarceration system, legislators on both sides of the aisle feverishly file and support bills that mete out more punishment and harsher penalties.

None of these bills make us any safer. In fact, in Pennsylvania, more law is less justice.

PA snapshot

#1

PA has the **highest rate of incarceration** in the Northeast (659 per 100,000 residents).

67%

67% of PA's prison population need drug or alcohol treatment. And 66% of the female population have mental health treatment needs.

2nd

PA has the **second highest rate** of people under criminal supervision in the U.S.

96%

96 percent of all PA criminal cases are resolved through plea deals. Only 1 percent get jury trials.

46%

Black adults are 11% of PA's population, but comprise 46% of our prison population—that's **1 in 66 Black people** locked up in PA.

\$3b

Every year, PA spends over **3 billion** on corrections to keep Pennsylvanians in prison & under criminal supervision.

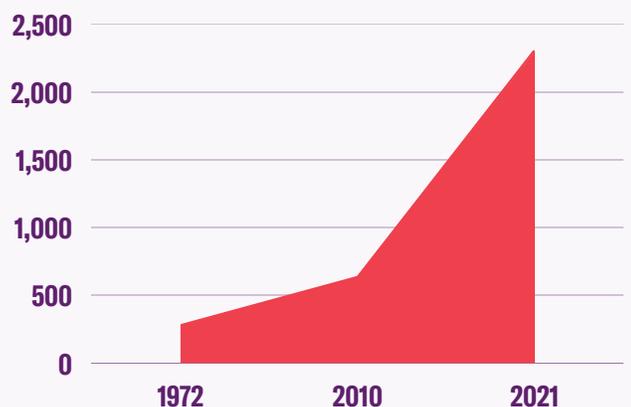
Criminal code expansion

Our criminal code has become an expansive and irrational web of overlapping offenses.

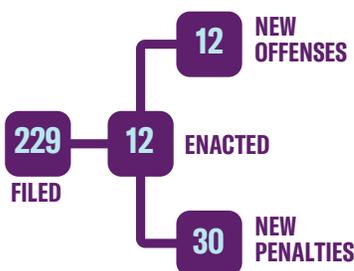
In 1972, Pennsylvania enacted the modern crimes code, succinctly categorizing all criminal behavior into **282 offenses** and suboffenses with a careful grading scheme for all charges.

By 2010, it contained **646 offenses**.

Today, the code has ballooned to over **2,300 offenses and suboffenses**—a 256% increase over 10 years.



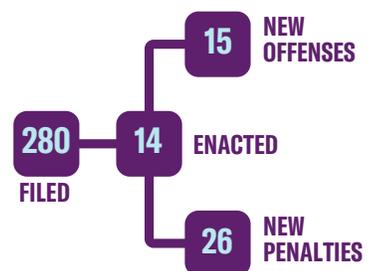
2017-2018 Session



During the 2017-2018 legislative session, 229 bills were filed to expand criminal offenses and punishments. Of those, 12 were enacted, creating 12 new criminal offenses/suboffenses & 30 new criminal penalties.

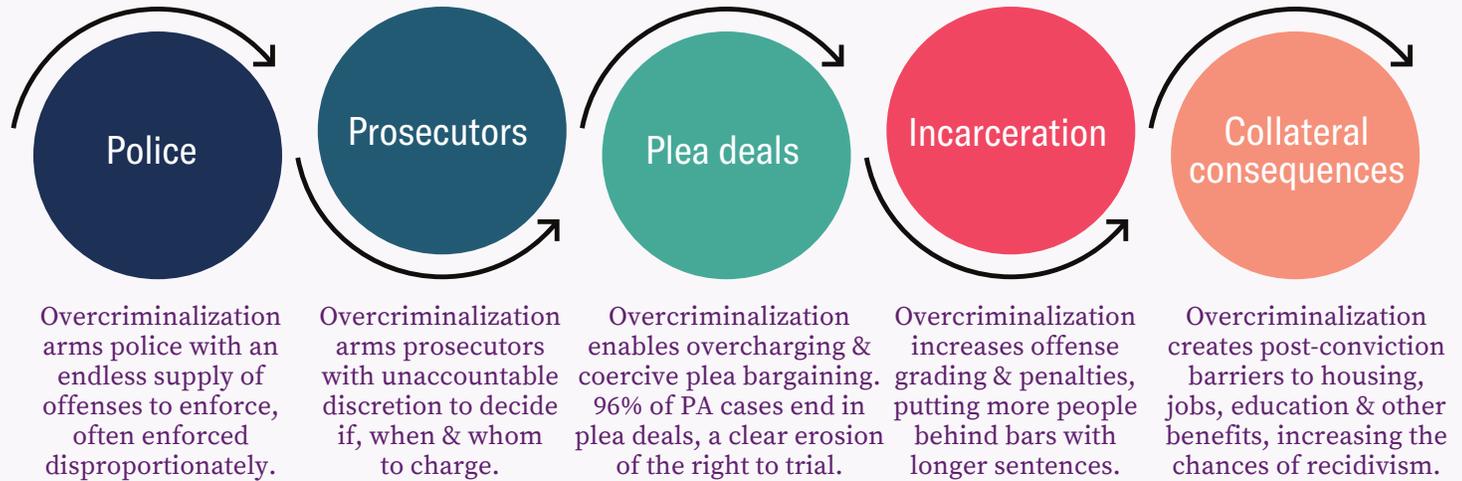
During the 2019-2020 session, 280 carceral bills were filed and 14 were enacted, creating 15 new offenses/suboffenses & 26 new penalties.

2019-2020 Session



Ripple effects of overcriminalization

Serially expanding the crimes code creates a punitive ripple effect throughout our criminal legal system. Legislative overcriminalization gives police more power to stop and arrest people for an ever-widening variety of behaviors. Creating duplicative offenses gives prosecutors greater power to coerce guilty pleas. And imposing harsher penalties and enhancements increase sentences, keeping people behind bars for longer with bigger barriers to success when they get out.



Red flag provisions

The provisions below hyper-charge overcriminalization. They are the most commonly proposed elements of criminal offense bills and should be scrutinized, if not rejected outright, when included:

- **New offenses:** In almost every instance, a new offense will create a duplicative crime. Most bills target behavior that is already criminalized under current law.
- **Increased grading and penalties:** Increasing the grading, or severity, of a crime imposes severe collateral consequences and creates wild disparities between similar offenses.
- **Sentencing enhancements:** Enhancements are the new mandatory minimums—they can't be waived or negotiated, limiting judicial discretion and all but ensuring incarceration. These include repeat offense provisions (e.g., 3-strike laws).
- **Mandatory sentences:** These can include mandatory minimum or mandatory consecutive sentences.

Recommendations for legislators

Vote no

Put down your pens ... or put them to better use!

Require

Require an existing crimes comparison statement / analysis before voting on bills.

Repeal

Repeal offenses that are duplicative, frivolous, outdated, or overly punitive.

Decriminalize

Decriminalize non-violent, consensual behavior like sex work & marijuana use.

Reduce

Reduce criminal penalties. Reduce barriers to reentry by eliminating collateral sanctions.

Recodify

Recodify the criminal code.

Contact

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Resources

More Law, Less Justice reports: [2019](#) | [2021](#)
[ACLU-PA legislative memos](#)
[Legislative scorecard & tracked bills](#)