

More Law, Less Justice: In Brief

Pennsylvania's Statehouse-to-Prison Pipeline

2021-2022
Session

The statehouse-to-prison pipeline is the practice of introducing bills that create new crimes, enhance existing penalties, and/or expand current laws that result in more people going to prison or jail.

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 and 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 feverishly file and support bills that mete out more punishment and harsher penalties. **This is the statehouse-to-prison pipeline.**

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

Carceral state of PA

#1	PA has the highest rate of incarceration in the Northeast (659 per 100,000 residents).	46%	Black adults are 11% of PA's population, but comprise 46 percent of our prison population—that's 1 in 66 Black people locked up in PA.
2nd	PA has the second highest rate of people under criminal supervision in the U.S.	67%	67 percent of PA's prison population is in need of drug or alcohol treatment.
\$3B	Every year, PA spends nearly \$3 billion on corrections to keep Pennsylvanians in prison and under criminal supervision.	96%	96 percent of all PA criminal cases are resolved through plea deals. Only 1 percent get jury trials.

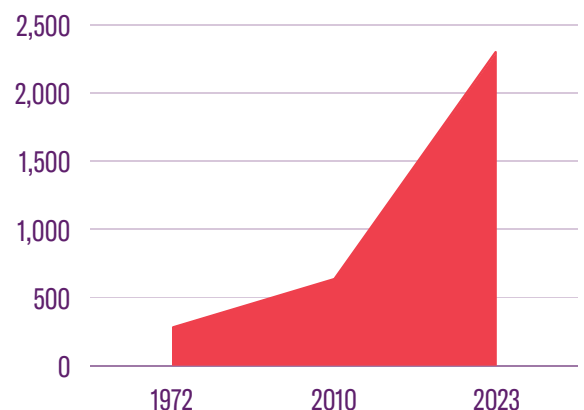
Criminal code expansion

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.

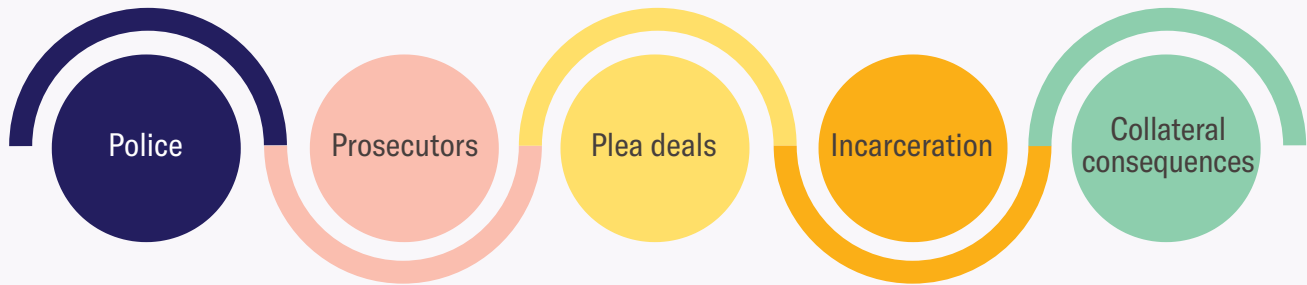
By 2010, it contained **646 offenses**.

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



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.



Overcriminalization arms police with an endless supply of offenses to enforce, often enforced disproportionately.

Overcriminalization gives prosecutors unreviewable discretion to decide if, when, and whom to charge.

Overcriminalization enables overcharging and coercive plea bargaining, eroding the right to trial.

Overcriminalization increases offense grading & penalties, putting more people behind bars with longer sentences.

Overcriminalization creates post-conviction barriers to housing, jobs, education, and more, increasing the chances of recidivism.

Recommendations for legislators

VOTE NO

The provisions below hyper-charge legislative overcriminalization. They are the most common elements of criminal offense bills and should be scrutinized, if not outright **opposed**:

- **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 / penalties:** Increasing the grading, or severity, of a crime imposes severe collateral consequences and creates wild disparities between similar offenses. This can include mandatory minimum sentences or fines, or mandatory consecutive sentences.
- **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).
- **Expanded definitions:** Adding more actors or actions to a criminal offense definition snares more people and/or behaviors in the criminal legal system.

ASK A PUBLIC DEFENDER

Solicit feedback from your county public defender, not just the district attorney, about the potential effects of a proposed bill.

REPEAL / REDUCE / ELIMINATE

Reduce excessive grading and fines; repeal outdated or frivolous offenses; and eliminate collateral consequences of conviction.

EVALUATE / COMPARE

Analyze proposed bills to evaluate economic & racial impact; compare proposed offenses with current law to avoid redundancies.

DECRIMINALIZE / LEGALIZE

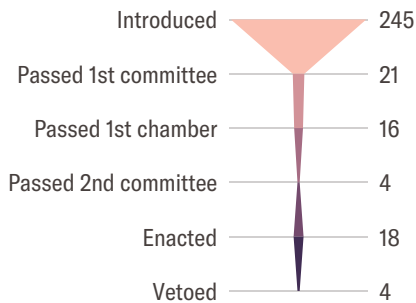
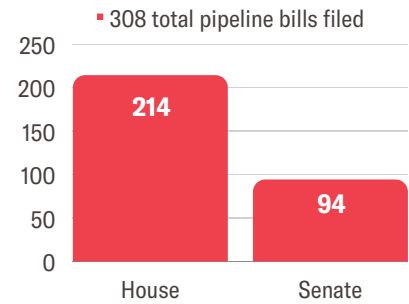
Decriminalize or legalize non-violent, consensual behavior, such as sex work and marijuana use.

Statehouse-to-Prison Pipeline Analysis: 2021-2022 session

The statehouse-to-prison pipeline is the practice of introducing bills that create new crimes, enhance existing penalties, and/or expand current laws that result in more people going to prison or jail.

During the 2021-2022 legislative session, a total of **308 pipeline bills** were introduced.

Of those, a total of **18 pipeline bills** were enacted—all with bipartisan support.



Of the 308 pipeline bills introduced, **63** received consideration, including:

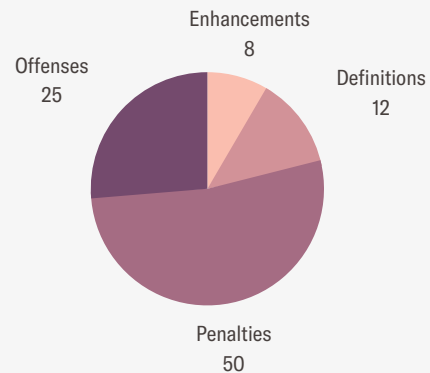
- 21 reported out of committee in the first chamber
- 16 that passed one chamber
- 4 reported out of committee in the other chamber
- 18 passing both chambers and enacted
- And 4 vetoed by the governor

In other words, **20%** of all pipeline bills were considered this session

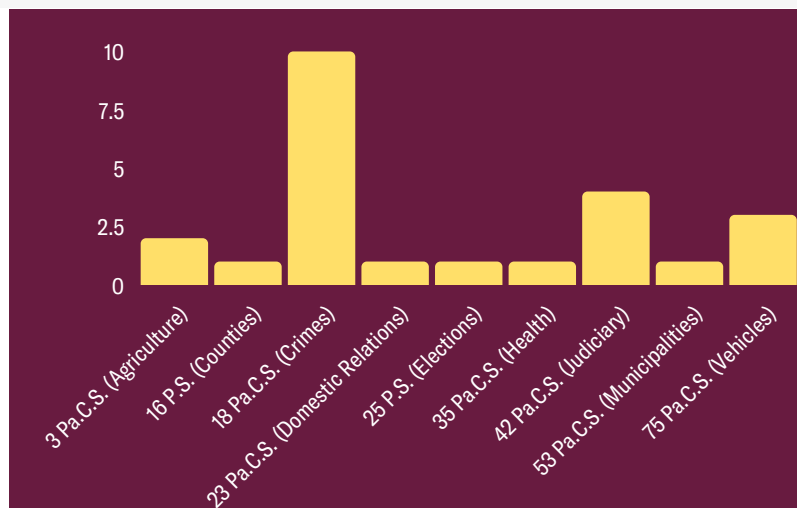


The **18 enacted pipeline bills** expanded PA criminal law by:

- Adding 8 new sentencing enhancements
- Expanding 12 offense definitions
- Creating 25 new criminal offenses or suboffenses
- And creating 50 new criminal penalties



The 18 enacted pipeline bills added or increased criminal offenses in **9 different statutes**, further scattering offenses across the Consolidated and Unconsolidated Statutes.



*Pa.C.S. are titles in the PA Consolidated Statutes.
P.S. are titles in the PA Unconsolidated Statutes.*

Pipeline expansion: Legislative session comparison

Over just the last three sessions, legislators steadily increased the number of pipeline bills filed and enacted, adding a total of **10** new sentencing enhancements, **28** expanded offense definitions, and **52** new offenses or suboffenses, and **106** new criminal penalties.



During the 2017-2108 legislative session:

229 pipeline bills were filed to expand the criminal code. Of those, **12** were enacted, which added **1** new enhancement, expanded **6** offense definitions, and created **12** new offenses or suboffenses, and **30** new criminal penalties. [More Law, Less Justice: 2017-2018](#)

During the 2019-2020 legislative session:

280 pipeline bills were filed to expand the criminal code. Of those, **14** were enacted, which added **1** new enhancement, expanded **10** offense definitions, and created **15** new offenses or suboffenses, and **26** new criminal penalties. [More Law, Less Justice: 2019-2020](#)

During the 2021-2022 legislative session:

308 pipeline bills were filed to expand the criminal code. Of those, **18** were enacted, which added **8** new enhancements, expanded **12** offense definitions, and created **25** new offenses or suboffenses, and **50** new criminal penalties.

