MORE LAW
LESS JUSTICE
JUNE 2021
ACLUPennsylvania
Executive Summary

The United States leads the world in incarceration. Pennsylvania has one of the highest incarceration rates in the Northeast— with 90,000 people behind bars at any given time and at least 170,000 people admitted to local jails each year. Moreover, with nearly 300,000 people on probation and parole, Pennsylvania ranks second in the United States for the proportion of its residents under state supervision, behind only Georgia.

How did we get here? As explained in our 2019 More Law Less Justice Report, for the last four decades, the Pennsylvania Legislature has acted as a bipartisan offense factory, churning out hundreds of new bills each legislative session that seek to add new crimes and penalties to our already expansive criminal code.

Each session, legislators pass enough of those bills that a steady stream of new and unnecessary criminal offenses and penalties become law. As legislators expand the scope of criminalized behavior in Pennsylvania, this gives police more power to stop and arrest people for an ever-widening variety of behaviors. Duplicative criminal offenses give prosecutors greater power to coerce guilty pleas. Harsher penalties and sentencing enhancements increase sentences, keeping people behind bars for longer.

This update to the initial More Law Less Justice Report analyzes legislation passed during the 2019-2020 session. During the two-year session, members of the General Assembly introduced more than 280 bills to expand criminal offenses and punishments, passing 15 new offenses and suboffenses, with 26 new penalties—all with bipartisan support. This update also highlights legislators’ particular affinity for generating unnecessary aggravated assault offenses and offenses related to gendered and sexual violence without actually providing meaningful solutions to harm.

While Pennsylvanians have experienced significant change since our last report, published in 2019, our primary recommendation to legislators remains the same: stop introducing and passing legislation that contains new criminal offenses and penalties.

Introduction: The State of Mass Incarceration in Pennsylvania

Little has changed about how Pennsylvania legislators operate since we published the original More Law Less Justice report in October of 2019. Incarceration continues to devastate individuals, families, and communities in Pennsylvania. Even a few days can cost someone their employment, housing, medical care, or custody of their children. During the COVID-19 pandemic, the public health threat posed by jails and prisons only became more acute, as crowded carceral facilities became viral hotspots. As of September 2020, confirmed COVID-19 case rates in state and federal prisons were four times higher than rates in the general population and the death rate for incarcerated people was twice that of the general population. As of January 2021, one person was dying of COVID-19 every day in Pennsylvania state prisons. During the pandemic, time behind bars has carried a grave threat of severe illness and death. Yet, Pennsylvania has failed to meaningfully decarcerate or protect the health and safety of incarcerated people over the past year.

Meanwhile, Pennsylvania legislators continued to expand Pennsylvania’s already sweeping criminal code. This created more opportunities for police and prosecutors to arrest, fine, and incarcerate people — all in the midst of a deadly pandemic and recession. Moreover, this comes at a time when widespread protests against racist policing and police violence have underscored the need to reduce contact between police and communities and dramatically scale back our current system of mass incarceration. Ending Pennsylvania’s public policy of mass incarceration begins with the Legislature.

The Pennsylvania Legislature: A Bipartisan Criminal Offense Factory and its Impact

As the original More Law Less Justice report explained, Pennsylvania’s modern crimes code, enacted in 1972, consisted of just 282 offenses and suboffenses, as well as a careful grading scheme. Since then, the crimes code has ballooned to contain more than 1,500 offenses and suboffenses — and the bipartisan offense factory in the legislature continues adding more. The vast majority of “new” offenses created by the legislature cover behaviors already captured by laws that existed in 1972.

The continued expansion of our criminal code impacts every stage of the criminal legal system. Armed by the legislature with so many criminal offenses, police have vast power to stop and arrest community members for a wide variety of behaviors — a power that is exercised disproportionately against people of color. Prosecutors can then charge individuals with multiple duplicative offenses all arising from the same alleged act. This practice means that individuals, if convicted, can be punished with consecutive sentences for each individual offense. And legislators continue to increase penalties so that the same acts carry ever lengthier sentences. The threat of such extensive punishment for a single alleged act enables prosecutors to coerce individuals into pleading guilty without a trial — eroding any pretense that our criminal legal system in Pennsylvania is primarily concerned with meting out justice.

As lawmakers increase the scope of criminalized behavior, upgrade offenses from misdemeanors to felonies, adopt mandatory minimum sentences, and implement new sentencing enhancements, sentences grow longer and more punitive. Those convicted of duplicative offenses remain behind bars while these sentences run consecutively.

But the General Assembly’s punitive impact doesn’t end when incarceration does. Once released, formerly incarcerated individuals face a wide variety of collateral consequences. In Pennsylvania, there are 879 collateral consequences for criminal convictions. Consequences for felony convictions are particularly severe, since they can restrict access to government benefits, college financial aid, housing, employment, and prohibit someone from sitting on a jury, or running for public office. Every time the legislature creates a new offense or ratchets up an offense’s grading from a misdemeanor to a felony, it triggers new or additional collateral consequences that make it more difficult for individuals and communities to thrive.
Carceral Bills and Acts 2019-2020

During the 2019-2020 session, Pennsylvania legislators introduced more than 280 bills to modify or add to Pennsylvania’s crimes code. In a year of an unprecedented public health crisis, the introduction of criminal bills still far outpaced the legislature’s attempts to address the COVID-19 pandemic. Ultimately, the Pennsylvania Legislature passed into law at least 14 new pieces of legislation that created new criminal offenses and suboffenses, added criminal penalties, and expanded the scope of criminalized behavior in Pennsylvania.

While legislators introduced 280 bills that sought to modify Title 18 (Crimes and Offenses) alone, Title 18 is not the only section of Pennsylvania’s code where legislators seek to add new criminal offenses and penalties. In fact, criminal offenses and penalties are scattered throughout Pennsylvania’s statutes, including through chapters outside the code’s criminal codes no longer provide a clear statement of criminal conduct; this creates a degradation in our laws.)

**Assault and Aggravated Assault**

In 2019-2020, a variety of bills would have created new assault offenses or suboffenses. See for example: House Bill 652 (assault on first responders); House Bill 2016 (harassment of law enforcement officer); Senate Bill 429 (hate crimes against law enforcement officers and first responders); and Senate Bill 834 (assault on media professional).

**Aggravated assault, a felony of the first degree, is defined as causing, or attempting to cause, “serious bodily injury” (or the kind of “injury that creates a substantial risk of death or serious permanent disfigurement.”) Conviction for this offense is punishable by up to 20 years of incarceration.**

In Pennsylvania, a subsection of the aggravated assault statute, § 2702(c), gives certain people a special status based upon their employment. A simple assault committed against these people while on the job automatically ratchets up to an aggravated assault, as a felony of the second degree punishable by ten years of incarceration. In 1990, this list enumerated only police officers, firefighters, and emergency medical services personnel if you introduce an object into food or if you introduce a foreign object into food. In assault, further providing for the offense of aggravated assault against any municipal, county, state, or school crossing guards, among others. **Adding an entirely new subsection that makes it an aggravated assault against police officers, firefighters, and emergency medical services personnel if you introduce a foreign object into food intended for their consumption**

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Description</th>
<th>Year</th>
<th>Sponsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>HB 47</td>
<td>In assault, further providing for the offense of aggravated assault against a local code enforcement officer</td>
<td>2019</td>
<td>White, Martina (R)</td>
</tr>
<tr>
<td>HB 88</td>
<td>In assault, further providing for the offense of aggravated assault against any municipal, county, or state employee or elected or appointed official</td>
<td>2019</td>
<td>Donatucci, Maria (D)</td>
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<tr>
<td>HB 372</td>
<td>In assault, further providing for the offense of aggravated assault against a municipal code official</td>
<td>2019</td>
<td>Murt, Thomas (R)</td>
</tr>
<tr>
<td>HB 545</td>
<td>In assault, further providing for the offense of aggravated assault against a local code enforcement officer</td>
<td>2019</td>
<td>Neilson, Ed (D)</td>
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<tr>
<td>HB 948</td>
<td>In assault, further providing for the offense of aggravated assault against a public transportation employee</td>
<td>2019</td>
<td>Schweyer, Peter (D)</td>
</tr>
<tr>
<td>HB 1301</td>
<td>Adding an entirely new subsection that makes it an aggravated assault against police officers, firefighters, and emergency medical services personnel if you introduce a foreign object into food intended for their consumption</td>
<td>2019</td>
<td>Farry, Frank (R)</td>
</tr>
</tbody>
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### 2019-2020 Assault Bills

<table>
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<tr>
<th>Bill No.</th>
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<tbody>
<tr>
<td>HB 423</td>
<td>In assault, providing for the offense of hate crime against law enforcement officers and first responders</td>
<td>2019</td>
<td>Langerholt, Wayne (R)</td>
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<tr>
<td>HB 652</td>
<td>In assault, providing for the offense of assault by knocking out another</td>
<td>2019</td>
<td>Moul, Dan (R)</td>
</tr>
<tr>
<td>HB 2016</td>
<td>In assault, providing for the offense of harassment of law enforcement officer</td>
<td>2019</td>
<td>Schmitt, Louis (R)</td>
</tr>
<tr>
<td>SB 834</td>
<td>In assault, providing for the offense of assault on media professional</td>
<td>2019</td>
<td>Farnese, Lawrence (D)</td>
</tr>
</tbody>
</table>
In 2019, the state of Pennsylvania passed several new laws related to theft, assault, and trespass. Here is a summary of the legislation:

### Theft, Trespass, and Fraud

In addition, multiple bills proposed new theft offenses or additions to preexisting theft offenses. For example, House Bill 399 (further providing for the offense of false caller identification information display), House Bill 789 (benefit transfer device fraud), House Bill 1018 (patient brokering), and Senate Bill 712 (also patient brokering).

### New Legislation

Ultimately, five assault and trespass bills were enacted into law during the 2019-2020 session:

- **HB 1879**: In assault, further providing for the offense of aggravated assault against a health care practitioner, public recreation center or park manager, or local code enforcement official
- **HB 2056**: In assault, further providing for the offense of aggravated assault against anyone with a physical disability or intellectual disability
- **SB 107**: In assault, further providing for the offense of aggravated assault against employee of a facility where "juveniles are ordered by the court"
- **SB 351**: In assault, further providing for the offense of aggravated assault against a healthcare practitioner or technician
- **SB 632**: In assault, further providing for the offense of aggravated assault against a public transportation employee
- **SB 685**: In assault, further providing for the offense of aggravated assault against a school crossing guard
- **SB 686**: In assault, further providing for the offense of aggravated assault against a local code enforcement official
- **HB 2220**: Expanding the definition of assault and further providing for offense of aggravated assault against anyone who is blind, pregnant, over age 60, or has a physical or intellectual disability
- **HB 2266**: In assault, further providing for the offense of aggravated assault against a school crossing guard

### Assaulst Offenses

- **House Bill 256**: enacted into law as Act 63, further expanded the offense of assault by prisoner. This act made it a second-degree felony for an incarcerated person to commit an assault on "a detention facility or correctional facility employee with a deadly weapon or instrument, or by any means or force likely to produce bodily injury." 18 Pa. C.S.A. § 2703(a)(1)(i).
  - But this exact same behavior was already a second-degree felony under the offense of aggravated assault. 18 Pa. C.S.A. § 2702(a)(3).

The preexisting "assault by prisoner" offense had already made it a separate second-degree felony for an incarcerated person to assault "another with a deadly weapon or instrument, or by any means or force likely to produce serious bodily injury." 18 Pa. C.S.A. § 2703(a)(1)(i)
  - Act 63 made this a first-degree felony.
  - But this exact same behavior was already a first-degree felony under the offense of aggravated assault. 18 Pa. C.S.A. § 2702(a)(1) and (a)(2).

- **Senate Bill 275**: enacted into law as Act 32, further provided for the offense of stalking.
- **Senate Bill 351**, enacted into law as Act 51, further provided for the offense of aggravated assault.

### Trespass Offenses

- **House Bill 1772**: enacted into law as Act 103, further expanded the preexisting offense of criminal trespass.

**Senate Bill 147**, enacted into law as Act 107, amended Title 34 (Game) to further provide for trespass offenses related to hunting.

- **Overall, it appears Pennsylvania legislators are more interested in prioritizing political agendas over the commonsense principle that Pennsylvania’s bloated criminal code needs no further expansion.**

For example, Act 100 creates the offense of “sexual extortion,” which covers much of the same conduct that is already criminalized as rape. Despite the fact that rape has been criminalized for decades, estimates indicate that only about 20% of incidents are reported to police, 6% of incidents lead to an arrest, and fewer than 1% of incidents result in incarceration. Adding more rape charges does not change the reality that sexual violence is most often not addressed through the criminal justice system.

### Offenses Related to Gendered & Sexual Violence

Four of the acts passed into law in 2019 and 2020 focused on gendered and sexual violence. Some legislators may be motivated by a genuine desire to keep people safe in light of new understandings about consent, rape culture, and the way coercion can be a precursor to more violent behavior. Regardless of intent, the reality is that these new offenses are still duplicative and unnecessary — and so add to the arsenal of offenses at the disposal of police and prosecutors operating within our racist system of mass incarceration without meaningfully addressing harm.

- **Act 1**: (human trafficking); **Act 21**: (female mutilation); **Act 100**: (sexual extortion); **Act 63**: (institutional sexual assaults).

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**Note:**

18 Pa. C.S.A. § 3133 (criminalizing, among other things, coercing or causing someone to engage in sexual conduct through means including harm or the threat of harm).

the criminal legal system. Simply adding criminal charges to the crimes code also fails to recognize that police themselves can be agents of gendered and sexual violence, particularly against women of color, queer and transgender people, and others who are vulnerable to abuse by the criminal legal system. Legislative actions also ignore the reality that jails and prisons are themselves sites of devastating sexual violence. Finally, survivors of gender-based and sexual violence, especially survivors of color, are frequently incarcerated for the behaviors that have enabled them to survive. For example, [the most common crimes for which girls are arrested — including running away, substance abuse, and truancy — are also the most common symptoms of abuse.][26] The enforcement of these and similar laws creates a system that routes victims of sexual violence and abuse into juvenile facilities and jails because of their victimization.[26]

Moreover, these new laws that seek to criminalize all coercive behavior are often unclear, vague, and overbroad — creating a real risk of selective enforcement. In addition to duplicating preexisting offenses, Act 100 vastly expands the definition of sexual assault. The offense of sexual extortion encapsulates by harm or threat of harm, but also by threatening to withhold “any thing of value” or by “threatening to expose any piece of information that would tend to expose [that person] to embarrassment.”[34] Vague and overbroad criminal offenses have historically been used to target marginalized groups in the U.S.; enforcement of such laws will almost necessarily be left to the discretion of police and prosecutors, and the use of such discretion perpetuates the already severe racial disparities in our criminal legal system.[35]

Again, such laws do little to address the root causes of coercion, harm, and violence, many of which have been exacerbated by the COVID-19 pandemic. Instead of adding more offenses to an already expansive crimes code, legislators should be seeking out the expertise of individuals who have been impacted both by gendered and sexual violence and by our present system of mass incarceration in order to craft meaningful solutions.

Reform Legislation

There were, however, a few minor bright spots last session; specifically, two reform bills that passed unanimously in both chambers — occupational licensure reform and Clean Slate expansion:

- **Act 53P** (2020) made reforms to the occupational licensing process and ensured that individuals with prior convictions are not automatically excluded from earning an occupational license simply because of their criminal record.
- **Act 82P** (2020) provides that if a person has been acquitted of all charges (i.e., case with not guilty verdicts), those charges will be automatically expunged. If a person has received a pardon, the record related to the charge for which they have been pardoned would be automatically sealed. This bill also expanded Pennsylvania’s Clean Slate law by removing the obligation to pay outstanding court-ordered financial obligations before eligible cases can be sealed.

We applaud the enactment of legislation that reduces the collateral consequences of conviction and increases the number of people who can have their records sealed or expunged. We encourage the General Assembly to work in a bipartisan manner to advance bigger and bolder reform bills aimed specifically at decriminalization, decarceration, and eliminating collateral consequences of convictions. Unfortunately, even when incremental reforms do take effect, they are quickly drowned out by the tsunami of carceral bills introduced each session.

**Recommendations**

Lawmakers should immediately start taking concrete steps to begin chipping away at — rather than endlessly expanding — Pennsylvania’s system of mass incarceration.

First, legislators should stop introducing and/or supporting any proposed legislation that adds new criminal offenses, penalties, or sentencing enhancements. Lawmakers should neither introduce nor co-sponsor bills with these provisions, and they should scrutinize legislation proposed by other members to ensure these elements are not included.

**Legislators should reject a bill out of hand if it includes any of the following:**

- New criminal offenses
- New/increased criminal penalties or sentencing enhancements
- New/increased penalties for repeat offenses
- Mandatory minimum sentences
- Mandatory consecutive sentences
- Eliminating collateral consequences of conviction

Second, legislators should begin repealing the laws and offenses contributing to our mass incarceration crisis. A bloated criminal code that enables police to stop community members for a wide variety of behaviors and enables prosecutors to coerce individuals into guilty pleas does not keep us safe. And that bloated criminal code subjects community members to surveillance, incarceration, and burdensome collateral consequences. Lawmakers must start actively choosing decriminalization and decarceration.

Finally, legislators should recodify the crimes code. As it stands, Title 18 (Crimes and Offenses) itself contains over 1,500 criminal offenses—but criminal offenses and penalties are scattered throughout other statutes as well, including Title 23 (Domestic Relations), Title 34 (Game), Title 35 (Health and Safety), Title 42 (Judiciary and Judicial Procedure), Title 61 (Prisons and Parole), and Title 75 (Vehicle Code). This makes it difficult for the public to assess just how sprawling our criminal law really is and to hold legislators accountable for their choices. The General Assembly should initiate a major overhaul of the current code, consolidating all criminal offenses and penalties into Title 18, eliminating unnecessary and duplicative offenses and reseating the grades of all offenses to 1972 levels. Together, these changes would allow legislators to begin chipping away at the system of mass incarceration that they themselves have created and allowed to flourish at the expense of the public.

Concrete next steps could include:

- Repealing mandatory minimum sentences, consecutive sentences, and sentencing enhancements, including repeat offense provisions
- Reducing/decreasing criminal penalties
- Repealing outdrated or frivolous offenses
- Decriminalizing sex work
- Legalizing marijuana
Conclusion

The state of mass incarceration in Pennsylvania is dire. Almost 100,000 of our community members are behind bars on any given day, and Black and brown communities are hardest hit. Even as the racism inherent in the criminal legal system is at the forefront of national consciousness, even as the COVID-19 pandemic has highlighted jails and prisons as public health crises, mass incarceration is a policy choice that Pennsylvania legislators keep making. In 2019-2020, this meant passing at least fourteen carceral acts - acts that together created fifteen new criminal offenses and sub-offenses and twenty-six new criminal penalties. The 2019-2020 Carceral Acts chart below identifies these bills, describes their content, and notes the pre-existing criminal offenses that they duplicate. If lawmakers want to turn the tide, the first step is to simply stop introducing and passing legislation that adds new criminal offenses and penalties. In the case of our criminal code, more law still means less justice.

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<th>Number of New Offenses/Suboffenses</th>
<th>Number of Expanded Definitions</th>
<th>Number of New Penalties</th>
<th>Vote on final passage House/ Senate</th>
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<tbody>
<tr>
<td>Act 211</td>
<td>Female mutilation</td>
<td>This act creates a new offense of female mutilation.</td>
<td>First-degree felony</td>
<td>Simple assault, first- or second-degree misdemeanor; aggravated assault; first- or second-degree felony</td>
<td>1</td>
<td>1</td>
<td>H: 196-1 S: 50-0</td>
<td></td>
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<tr>
<td>Act 226</td>
<td>In licensing of drivers, further providing for classes of licenses</td>
<td>This act makes failure to abide by a preexisting requirement that no person shall drive a motor vehicle without the correct kind of license a criminal offense.</td>
<td>Summary offense</td>
<td></td>
<td>1</td>
<td>1</td>
<td>H: 193-0 S: 50-0</td>
<td></td>
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<tr>
<td>Act 937</td>
<td>Expands the offense of sale of tobacco and use of tobacco in schools</td>
<td>This act expands the definition of “tobacco product” and expands the offense of use of tobacco in schools to include non-pupils.</td>
<td>Summary offense</td>
<td></td>
<td>1</td>
<td>3</td>
<td>H: 185-0 S: 48-1</td>
<td></td>
</tr>
<tr>
<td>Act 1009</td>
<td>Sexual extortion</td>
<td>This act creates the new offense of sexual extortion and expands the definition of sexual assault.</td>
<td>First-degree misdemeanor or third-degree felony</td>
<td>Unlawful dissemination of intimate image; first- or second-degree misdemeanor; rape, first-degree felony</td>
<td>1</td>
<td>3</td>
<td>H: 187-0 S: 48-0</td>
<td></td>
</tr>
<tr>
<td>Act 10312</td>
<td>Expands the offense of criminal trespassing</td>
<td>It was already an offense for someone to &quot;enter[] or remain[] in any place as to which notice against trespass is given,&quot; &quot;knowing that he is not licensed or privileged to do so.&quot; This act adds an additional kind of “notice against trespass” that can lead to criminal liability.</td>
<td>Third-degree misdemeanor</td>
<td></td>
<td>1</td>
<td></td>
<td>H: 199-0 S: 49-0</td>
<td></td>
</tr>
</tbody>
</table>

1 Enacted into law at 18 Pa. C.S.A. § 3132
2 18 Pa. C.S.A. § 2701(a)(1), “attempts to cause or intentionally, knowingly, or recklessly causes bodily injury to another.”
3 18 Pa. C.S.A. § 2701(b).
4 18 Pa. C.S.A. § 2702(a)(8), “attempts to cause or intentionally, knowingly or recklessly causes bodily injury to a child less than six years of age, by a person 18 years of age or older”; 18 Pa. C.S.A. § 2702(a)9, “attempts to cause or intentionally, knowingly or recklessly causes serious bodily injury to a child less than thirteen years of age, by a person 18 years of age or older.”
5 18 Pa. C.S.A. § 2702(b).
6 Enacted into law at 75 Pa. C.S.A. § 1504.
7 Enacted into law at 18 Pa. C.S.A. § 6305, § 6306.1.
8 Enacted into law at 18 Pa. C.S.A. § 3133.
9 18 Pa. C.S.A. § 3131(a), “a person commits the offense of unlawful dissemination of intimate image if, with intent to harass, annoy or alarm a current or former sexual or intimate partner, the person disseminates a visual depiction of the current or former sexual or intimate partner in a state of nudity or engaged in sexual conduct.”
10 18 Pa. C.S.A. § 3131(c).
11 18 Pa. C.S.A. § 3121(a), “A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant: (1) By forcible compulsion. (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution. (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring. (4) Where the person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants, or other means for the purpose of preventing resistance. (5) Who suffers from a mental disability which renders the complainant incapable of consent.”
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<th>Vote on final passage House/Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Act 10713 2019</td>
<td>Expands the offense of trespass on private property while hunting</td>
<td>This act creates new offenses related to trespassing while engaged in hunting/furtaking and hunting on a Sunday without written permission.</td>
<td>Third-degree summary offense or misdemeanor</td>
<td>Criminal trespass, summary offense or third-degree misdemeanor</td>
<td>2</td>
<td>3</td>
<td></td>
<td>H: 144-54 S: 38-11</td>
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<tr>
<td>Act 11116 2019</td>
<td>Expands the offense of sale of tobacco and use of tobacco in schools</td>
<td>This act duplicates much of what is contained in Act 93 and raises the age of “minors” to 21.</td>
<td>Summary offense</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td>H: 155-49 S: 44-5</td>
</tr>
<tr>
<td>Act 11517 2019</td>
<td>Mandatory year of parole</td>
<td>This act adds an additional year of state supervision for people who are sentenced to four or more years.</td>
<td>Year of parole</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td>H: 167-29 S: 38-11</td>
</tr>
<tr>
<td>Act 118 2020</td>
<td>Expands the offense of trafficking and patronizing a victim of sexual servitude</td>
<td>This act increases second-degree felonies to first-degree felonies, expands “trafficking” to include “advertising” an individual, creates a new statutory maximum for felonies, increasing the maximum incarceration term from 20 years to 40 years for offenses involving minors, and increases financial penalties up to $50,000.</td>
<td>First-degree felony</td>
<td></td>
<td>4</td>
<td>2</td>
<td>9</td>
<td>H: 183-4 S: 49-0</td>
</tr>
<tr>
<td>Act 2219 2020</td>
<td>Expands the offense of stalking</td>
<td>This act expands the definition of “crime of violence” to include strangulation and trafficking.</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td>H: 202-0 S: 45-0</td>
</tr>
<tr>
<td>Act 5120 2020</td>
<td>Expands the offense of aggravated assault</td>
<td>This act adds “health care practitioner or technician” to the “officers, employees, etc.” that get treated differently under the aggravated assault statute.</td>
<td>First- or second-degree felony</td>
<td>Aggravated assault, first-degree felony</td>
<td>1</td>
<td></td>
<td></td>
<td>H: 180-21 S: 49-0</td>
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</table>

13 Enacted into law at 34 Pa. C.S.A. § 2314 and § 2315.
14 18 Pa. C.S.A. § 3503(b), “A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given,” by, for example, “actual communication to the actor” or “posting in a manner prescribed by law or reasonably likely to come to the attention of intruders.”
15 3 Pa. C.S.A. § 3503(b)(2).
16 Enacted into law at 18 Pa. C.S.A. § 6305, § 6306.1.
17 Impacts a variety of statutory provisions, but the mandatory year of parole can be found at 61 Pa. C.S.A. § 6137.2.
18 18 Pa. C.S.A. § 3503(b)(2).
19 Enacted into law at 18 Pa. C.S.A. § 3011, § 3013.
22 18 Pa. C.S.A. § 2702(a), “A person is guilty of aggravated assault if he: (1) attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly, or recklessly under circumstances manifesting extreme indifference to the value of human life” (regardless of profession of the person he injures).
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<th>Number of New Penalties</th>
<th>Vote on final passage House/Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Act 632020</td>
<td>Further providing for duty of drivers and further providing for the offenses of homicide by vehicle and aggravated assault by vehicle</td>
<td>This act makes failure to move over or sufficiently slow down when passing a disabled vehicle a criminal offense and authorizes periods of incarceration when a violation is paired with other offenses.</td>
<td>First-degree felony or third-degree felony</td>
<td>Aggravated assault24, first or second-degree felony25</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>H: 146-51 S: 50-0</td>
</tr>
<tr>
<td>Act 1052020</td>
<td>Further providing for duty of drivers and further providing for the offenses of homicide by vehicle and aggravated assault by vehicle</td>
<td>This act makes failure to move over or sufficiently slow down when passing a disabled vehicle a criminal offense and authorizes periods of incarceration when a violation is paired with other offenses.</td>
<td>Summary offense</td>
<td></td>
<td>1</td>
<td></td>
<td>3</td>
<td>H: 201-0 S: 49-0</td>
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<tr>
<td>Act 131272020</td>
<td>Further providing for notification requirement for drivers</td>
<td>This act makes a failure of a commercial driver to notify their employer about a citation, arrest, or charge of violation of a law or ordinance related to motor vehicle traffic control a criminal offense.</td>
<td>Summary offense</td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
<td>H: 201-0 S: 47-0</td>
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**Total:**
14 Acts

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<tr>
<th>Additions/Expansions</th>
<th>Number of New Offenses/Suboffenses</th>
<th>Number of Expanded Definitions</th>
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<tbody>
<tr>
<td></td>
<td>15 Offenses and Suboffenses</td>
<td>10 Expansions</td>
<td>26 Penalties</td>
<td>100% Bipartisan</td>
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</table>

24 “A person is guilty of aggravated assault if he: (1) attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly, or recklessly under circumstances manifesting extreme indifference to the value of human life; (2) attempts to cause or intentionally or knowingly causes serious bodily injury to any of the officers, agents, employees or other persons enumerated in subsection (c), in the performance of duty,” including “officer or employee of a correctional institution”; “(3) attempts to cause or intentionally or knowingly causes bodily injury to any of the officers, agents, employees or other persons enumerated in subsection (c), in the performance of duty,” including “officer or employee of a correctional institution.” 18 Pa. C.S.A. § 2702(a), (c)(9).

25 18 Pa. C.S.A. § 2702(b).

26 Enacted into law at 75 Pa. C.S.A. §§ 3327, 3732.

27 Enacted into law at 75 Pa. C.S.A. § 1604.