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**House Judiciary**

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**House Judiciary Committee**

4/11/18, 10:00 a.m., 140 Main Capitol

By Nicole Trayer, Pennsylvania Legislative Services

**At a Glance**

**Committee(s):** House Judiciary Committee

**Video:**  [\(click here\)](#)

**Audio:**  [\(click here\)](#) (Note: Depending on your audio player and the length of the hearing this could take a few minutes to load.)

**Meeting type:** Public hearing

**Subject:** Public safety, gun laws and violence

**Bills discussed:** [HB 1233](#), [HB 175](#), [HB 870](#), [SB 383](#), [HB 2109](#), [HB 135](#), [HB 2097](#)

**Keyword(s):** mental illness, domestic violence, gun violence, law enforcement, parole

**Testimony:** [Rep. Thomas Murt](#) (R-Montgomery)  
[Rep. Kate Klunk](#) (R-York)  
[Rep. Steve McCarter](#) (D-Montgomery)  
[Rep. Jason Dawkins](#) (D-Philadelphia)

**Members Present:** Chairman Ron Marsico (R-Dauphin), Minority Chairman Joseph Petrarca (D-Westmoreland), and Representatives Rick Saccone (R-Allegheny), Barry Jozwiak (R-Berks), Stephen Bloom (R-Cumberland), Paul Schemel (R-Franklin), Martina White (R-Philadelphia), Hal English (R-Allegheny), Becky Corbin (R-Chester), Timothy Briggs (D-Montgomery), Jason Dawkins (D-Philadelphia), Kate Klunk (R-York), Joanna McClinton (D-Philadelphia), Dom Costa (D-Allegheny), Jerry Knowles (R-Schuylkill), Tedd Nesbit (R-Mercer), Garth Everett (R-Lycoming), Madeleine Dean (D-Montgomery), and Jesse Topper (R-Bedford).

The committee held a public hearing on public safety, gun laws and violence in Pennsylvania.

[Rep. Murt](#) said one aspect that is often overlooked in this discussion is the dedication of more resources to the treatment of mental illness. He explained that those suffering from a mental illness are more likely to be a victim than a perpetrator of violence, but many perpetrators of gun violence have had a history of mental illness. He said many families struggling to care for a loved one with a mental illness often have no option but to wait until that individual presents a danger to themselves or others before they can seek help. "By requiring sick people to become a danger before we can support them we are criminalizing mental illness, plain and simple," he said. Recent budget hearings noted that the Department of Corrections (DOC) is now the largest provider of mental health services in Pennsylvania, he pointed out. To address this issue, Rep. Murt said he introduced [HB 1233](#) that would provide a new standard for assisted outpatient treatment or court ordered involuntary outpatient commitment and make it easier to get mental health treatment for a loved one before they even pick up a weapon. Current law requires an individual meet the clear and present danger standard before receiving any involuntary treatment, he said. He commented that the standard proposed in HB 1233 has already been adopted in 46 other states and maintains the due process, procedural and systematic requirements of the Mental Health Procedure Act. Additionally, he noted that HB 1233 does not mandate nor require any additional expenditures and allows counties to opt out of the provision of assisted outpatient treatment services. HB 1233 has already cleared the House unanimously and is awaiting final action in the Senate, he said.

Chairman Marsico asked if there have been any commitments from the Senate to move the bill. Rep. Murt said there were some amendments that were agreed to and that the hope is the Senate will run the bill and return it to the House for concurrence. He added that the governor's office has also been involved in working on the bill.

Rep. Costa said from the law enforcement perspective this is very needed. He added that it is a "tough balance" for law enforcement to encounter someone with mental illness and that this bill allows "proactive measures to be taken."

[Rep. Klunk](#) spoke on her bill, [HB 175](#). She explained that this legislation would require the training of police officers, including Pennsylvania State Police (PSP) and county sheriffs, in the area of lethality assessment in domestic violence cases. Between 2006 and 2015, 1,496 Pennsylvanians died as the result of domestic violence, she noted. Two of those victims, Laurie Kuykendall and Barbara Schrum, were murdered by Kuykendall's estranged husband in 2015 and their deaths have become the "driving force" behind HB 175, she said. Rep. Klunk said the lethality assessment program (LAP) is an "extremely effective program for law enforcement officers to identify victims of domestic violence." LAP has been proven to work in Maryland where it led to a 25 percent drop in domestic violence-related homicides, she added. To complete the lethality assessment, officers ask the victim a series of 11 questions to determine if that individual is at an increased risk of homicide and if the officer determines the risk exists they call a 24-hour domestic violence hotline and encourage the victim to speak to the advocate and receive services, she explained. Rep. Klunk added that once the referral is made the local domestic violence shelter takes the victim and immediately screens them into various services. To help local police departments receive financial assistance for this program, she said HB 175 would create the Police Department Grant Program.

Chairman Marsico asked Rep. Klunk how many co-sponsors HB 175 has. She said currently there are 15 to 20. He also wanted to know if law enforcement supports the bill and whether there has been any negative response. Rep. Klunk said her local law enforcement agencies have come out in support of this bill as well as other law enforcement officers she has talked to statewide. At this point, she said she has not received any negativity and that domestic violence service groups are working across the state with local police departments to help domestic violence victims.

Rep. Costa said Pittsburgh has been a leader on lethality assessment and that by asking victims these questions it triggers to them that they are in need of help. He commended Rep. Klunk for her work on this legislation.

Rep. McClinton said she will be co-sponsoring this bill and that her district recently had a domestic violence homicide after prior noted incidents. She said she is hopeful this bill can be moved out of committee to the floor of the House for a vote and ultimately to the governor's desk for signature.

Chairman Marsico suggested Rep. Klunk reach out to the Pennsylvania Fraternal Order of Police (FOP) for their thoughts on the legislation.

Rep. McCarter said he would speak on the discussion of arming teachers in schools and the need for firearm protective orders. He stated that the General Assembly has joined the nationwide calls for arming teachers and has done so through legislation with [HB 870](#) and [SB 383](#). According to a nationwide Gallup survey of 500 elementary and high school teachers last month, he said, 73 percent strongly oppose the idea of arming school staff. Rep. McCarter shared that he was a teacher for 35 years prior to joining the legislature and that legislation permitting school personnel to carry concealed firearms is an "unbelievably reckless idea." He added that he has received 958 signatures on a petition he circulated among his constituents against the proposed idea. Additionally, he said he has spoken with every school district superintendent in his district and not a single one supports arming teachers. "Teachers in our schools could not be more opposed to this idea," he said. Instead, he stated, the best way to help the current situation in schools is by hiring more specialized staff such as counselors, home school visitors and psychologists.

Rep. McCarter also mentioned his introduction of [HB 2109](#). This bill would allow family members, friends and police officers to petition the court for temporary firearm restraining orders for individuals who pose an immediate threat to the safety of a household member or other person by possessing a firearm or ammunition, he explained. He said family members are often the first to notice these signs in their loved ones and often the first ones in the line of fire. "We have to give them the mechanism through which they can remove firearms and minimize their risk," he said. He shared statistics that show state laws that prohibited individuals subject to domestic violence restraining orders from possessing firearms and required them to relinquish any firearms in their possession were associated with a 14 percent lower rate of intimate partner firearm homicide.

Rep. Saccone commented that he too was a teacher and has received training on firearms through his time in the military and law enforcement. He said he can think of many examples where a person like him who is highly trained in firearms would help neutralize an incident in a school. He added that it should be up to the school districts as to whether they want to do that.

Rep. Dawkins said the issue of gun violence is large part of why he got involved in public service and that he brings a different perspective as the only African American male on the committee. He shared details of his childhood in a single-family household including the death of his older brother to gun violence and the life without parole sentence his younger brother received for murdering the man who physically assaulted his mother. He said he was only 13 years old when his older brother was killed and there were not any services available to his family to deal with the after effects, which led him to stop going to school. He explained that there is a lack of resources in his community to address the issue of gun violence and that the legislation he would talk about has a direct correlation between decreasing violence in urban areas. He said he has traveled across the state to correctional facilities to talk to those who have "been through this life" and that he found almost all of them had a troubled youth and wish to reenter society to help prevent other young people from making the same mistake. Therefore, he said he introduced [HB 135](#), which would "amend the parole laws to allow individuals serving life without parole the opportunity of a second chance." He said he has spoken with individuals in DOC who agree there are inmates in prison who should not be and that many of these people can provide guidance and mentorship to help rebuild their communities.

Additionally, Rep. Dawkins spoke on his bill, [HB 2097](#), that would create a nationwide notification system so that anyone who currently has an active protection from abuse (PFA) order would be notified if the abuser is attempting to purchase or transfer a firearm. "I think it is necessary for individuals to be warned if there is an active threat against their life," he said.

Rep. Jozwiak asked if there is an age limit or required length of time served for HB 135. Rep. Dawkins said there was initially a 15-year minimum service requirement that he is seeking to amend. He explained that number was chosen to get the conversation started and DOC has requested a study to determine the average age in which the majority of the population has already served to create a baseline. He noted that the number will be most likely between 20 to 25 years. Rep. Jozwiak wanted to know what those individuals would do after being released. Rep. Dawkins said once an inmate reaches the minimum service date they would go in front of the Parole Board to determine if they are eligible for the possibility of parole. Rep. Jozwiak asked where law enforcement stands on the issue. Rep. Dawkins said there is currently no position from law enforcement. Rep. Jozwiak commented that those sentenced to life without parole didn't receive a death sentence and he believes the public would not be too accepting of releasing inmates from jail who have committed murder. Rep. Dawkins responded that life without parole is a death sentence because those individuals "will never come home alive."

Rep. Costa said he would not agree with a minimum requirement of 20 to 25 years served and that the timeframe when males typically become less aggressive is around the age of 50 to 55. He said recidivism does not tend to occur after a certain age and looking at something like that would be more accepted by society. Rep. Dawkins stated that there is a study that shows individuals released over the age of 55 had a zero percent chance of recommitting a crime.

Rep. Schemel said Canada and New Zealand introduced similar laws about 20 years ago and the rates of recidivism of individuals released after a certain age were "exceedingly low." He said many communities are "bereft" of older men and returning these individuals to a path where they can be productive is a path that should be explored.

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**Committee Member Contact Information (click or mouse over):** [Marsico, Ron \(R\)](#) / [Toohil, Tarah \(R\)](#) / [Delozier, Sheryl \(R\)](#) / [Stephens, Todd \(R\)](#) / [Everett, Garth \(R\)](#) / [Bloom, Stephen \(R\)](#) / [Corbin, Becky \(R\)](#) / [English, Hal \(R\)](#) / [Jozwiak, Barry \(R\)](#) / [Klunk, Kate \(R\)](#) / [Knowles, Jerry \(R\)](#) / [Nesbit, Tedd \(R\)](#) / [Saccone, Rick \(R\)](#) / [Schemel, Paul \(R\)](#) / [Topper, Jesse \(R\)](#) / [White, Martina \(R\)](#) / [Petarca, Joseph \(D\)](#) / [Briggs, Tim \(D\)](#) / [Costa, Dom \(D\)](#) / [Barbin, Bryan \(D\)](#) / [Bizzarro, Ryan \(D\)](#) / [Davis, Tina \(D\)](#) / [Dawkins, Jason \(D\)](#) / [Dean, Madeleine \(D\)](#) / [McClinton, Joanna \(D\)](#) / [Miller, Daniel \(D\)](#) / [Mullery, Gerald \(D\)](#) / [Neuman, Brandon \(Resigned\) \(D\)](#)