

# Mandatory Minimum Sentencing

## ✓ HB 741

PCAR supports provisions in HB 741, sponsored by Rep. Stephens.

HB 741 provides a technical correction to evidentiary and sentencing procedures in Pennsylvania. This correction would reinstate mandatory minimum sentencing for a range of crimes, including sexually violent crimes against children and older adults.

### If passed, HB 741 would:

- ✓ Require specific elements that give rise to a mandatory minimum sentence to be proven beyond a reasonable doubt by a prosecutor to a jury prior to sentencing
- ✓ Enable the state to file an appeal if a judge issues a lesser sentence post-conviction
- ✓ Require the PA Commission on Crime and Delinquency to conduct a study examining the effects of mandatory minimum sentencing
- ✓ Reinstate three to seven year mandatory minimum sentences for failure to comply with sex offender registration requirements
- ✓ Reinstate mandatory minimum sentencing for physically and sexually violent crimes against children as follows:
  - Aggravated assault: not less than three years
  - Rape: not less than 11 years
  - Involuntary deviate sexual intercourse: not less than 11 years
  - Aggravated indecent assault: not less than six years
- ✓ Reinstate mandatory minimum sentencing for physically and sexually violent crimes against older adults as follows:
  - Aggravated assault: not less than three years
  - Rape: not less than six years
  - Involuntary deviate sexual intercourse: not less than six years

### Action requested:

PCAR urges Pennsylvanians to contact their Senators and ask them to support the provisions of HB 741 that pertain to mandatory minimum sentencing for sexually violent crimes against children and older adults.

### Impact on sexual assault victims

In Pennsylvania and nationally, individuals often receive inadequate sentences for committing sexually violent crimes. In contrast, victims, their loved ones, and our larger communities carry the human and economic costs of rape for a lifetime. The criminal justice response offers victims and our larger society one mechanism to potentially hold people accountable for their crimes and protect public safety. While not a comprehensive solution, stronger sanctions for crimes—in theory—may address known risk factors for sexual violence. HB 741 could ensure consistency in sentencing for sexually violent crimes against children and older adults as well as for failure to comply with sex offender registration requirements. Through the commission of a study, the bill could help the Commonwealth to better understand the effects of such sentences on specific populations and crime prevention.

**Despite these potential benefits...**

## ...there are important concerns to consider.

- 1 Mandatory minimum sentencing practices disproportionately impact people of color and people living in poverty, while white and privileged offenders receive less punishment. All people should be held to the same bar, regardless of their race, ethnicity, gender identity, or geographic location.
- 2 Longer sentences can deter victims from reporting and create economic and other hardships for victims and their families.
- 3 It is uncertain if mandatory minimum sentences actually have a deterrent effect on the commission of future crimes by the same individuals or others.

### PCAR's position on HB 741

PCAR supports the specific provisions of HB 741 that:

- ✓ Commission a study on the effects of mandatory minimum sentences; and
- ✓ Address mandatory minimum sentences for
  - Sexual violence against children
  - Sexual violence against older adults; and
  - Failure to comply with sex offender registration requirements.


#### View the bill:


Go to [www.legis.state.pa.us](http://www.legis.state.pa.us) and type in "2017HB741"


#### Find your Legislator:


at [www.legis.state.pa.us](http://www.legis.state.pa.us)

### As we look to the future, PCAR recommends broader public policy efforts to:

 **Evaluate**  
the deterrent effects of mandatory minimum sentencing on sexually violent crimes

 **Address**  
racial and economic bias in our criminal justice system

 **Strengthen**  
collaborations across criminal justice and rape crisis centers to ensure that victims are considered in prosecution and sentencing procedures

 **Invest**  
in prevention and victim services to stop sexual violence from happening in the first place and to reach the many victims who never see their day in court

### Questions?

Contact Donna Greco, Policy Director at PCAR, at 717-728-9740 or [dgreco@pcar.org](mailto:dgreco@pcar.org). The Pennsylvania Coalition Against Rape (PCAR) works to eliminate all forms of sexual violence and to advocate for the rights and needs of victims of sexual assault. PCAR works with a network of rape crisis centers that serve all of the Commonwealth's 67 counties.



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