



May 28th, 2024

PDAP POSITION ON HOUSE BILL 2296

The Public Defender Association of Pennsylvania (PDAP) is a non-profit whose membership includes more than a thousand Public Defenders employed full or part time across Pennsylvania's Public Defender offices. PDAP is dedicated to securing a fair justice system and ensuring high quality legal representation for people facing loss of life, freedom, or family. Our mission is to provide tools, strategies, mutual support, training, and information to Pennsylvania's Public Defender Offices; to be the voice of public defense in Pennsylvania; and to promote best practices in the leadership, management, and administration of justice in Pennsylvania.

PDAP thanks you for the opportunity to provide our positions on the below bill. If you would like to discuss the below bill further or have any questions, please contact PDAP Executive Director, Sara Jacobson at SJacobson.pdap@gmail.com.

Bill Number: 2296 (PN 3108)

Position: **Support**

Brief Summary: HB 2296 allows a real path for reform and redemption for those who did not intend to kill, by making second degree murder a crime for which one can earn parole and by lowering the maximum sentences for juveniles convicted of second-degree murder. Nothing in HB 2296 means that people *will* be paroled. It means that they might be paroled, if the Parole Board deems that circumstances warrant it, after weighing public safety, considering input from the victim's family, and evaluating overall culpability.

Position: PDAP supports this bill, because it encourages rehabilitation and recognizes that a person may be worth more than the worst thing that they have done. Someone who commits felony murder is not trying to kill. Someone who intended to kill is inherently more culpable than someone who intended to commit a felony. HB 2296 recognizes this important difference by creating a path for someone convicted of felony murder to prove their redemption. It incentivizes good behavior in prison, but more

importantly, it encourages engagement with reform via educational opportunities, religious programming, and positive work during incarceration.

For juveniles, it offers more chance for rehabilitation, making possible parole obtainable after a sentence of 20 years for someone between the ages of 15 and 17 or after 15 years for someone under the age of 15. HB 2296 creates proportionate opportunities for parole and reenforces the Supreme Court findings that younger offenders are the less inherently culpable. The Court noted in *Miller v. Alabama* that, “transient rashness, proclivity for risk, and inability to assess consequences—both lessened a child’s “moral culpability” and enhanced the prospect that, as the years go by and neurological development occurs, his “deficiencies will be reformed.” *Miller v. Alabama*, 567 U.S. 460 (2012). It went on to find that “(b)ecause juveniles have diminished culpability and greater prospects for reform, we explained, “they are less deserving of the most severe punishments.” - *Graham v. Florida*, 560 US 48 (2010). *Miller* at 471.

Because of the possibility for rehabilitation and redemption that HB 2296 offers, we ask you to support the bill.