



TO: The Honorable Members of the Republican Policy Committee

FROM: Marci Hamilton, Founder & CEO, CHILD USA; Professor, University of Pennsylvania, and Kathryn Robb, Executive Director, CHILD USA Advocacy

RE: SB1: A joint resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania to provide for a two-year window for victims of childhood sexual assault to file previously time barred claims, require qualified electors to provide valid identification at each election, and to restrict the Governor's veto power over certain regulations.

DATE: January 20, 2023

Dear Honorable Members of the Republican Policy Committee,

Thank you for allowing us, Professor Marci Hamilton of CHILD USA and Kathryn Robb of CHILD USA Advocacy, to submit testimony expressing our concerns regarding the potential SB 1 has to make the window amendment unconstitutional. By way of introduction, Professor Marci Hamilton is a First Amendment constitutional scholar at the University of Pennsylvania who has led the national movement to reform statutes of limitations to reflect the science of delayed disclosure of childhood sexual abuse and who founded CHILD USA, a national nonprofit think tank devoted to ending child abuse and neglect. Kathryn Robb is the Executive Director of CHILD USA Advocacy, an advocacy organization dedicated to protecting children's civil liberties and keeping children safe from abuse and neglect. Kathryn is also an outspoken survivor of child sex abuse.

The proposed amendment package, which combines the bi-partisan window amendment with two politically charged, wholly unrelated amendments, is unnecessary, inappropriate, and potentially unconstitutional. It is also cruel to the victims who have been waiting 17 years for justice in the Commonwealth. This act of political gamesmanship at the expense of justice for survivors is reprehensible and we urge leaders to reject SB1 and treat the window amendment as it deserves to be treated—with care and attention to all possible details so that it can finally pass—as promised by both parties—and provide the justice denied to the victims of child sex abuse for decades in the state.

Pennsylvania law requires that a proposed amendment be passed twice by both houses in separate sessions. PA CONST Art. 11, § 1. The combination of three distinct and independent subjects of legislation in a single resolution has never been tried in Pennsylvania. While two amendments could be passed together via a resolution, Pennsylvania law does not provide carte blanche coupling of amendments. The subject of the amendments and the subject of the original bill language must constitute a unifying scheme to accomplish a single purpose, for consideration of the original bill in order to pass constitutional muster. Washington v. Department of Public Welfare of Commonwealth, 188 A.3d 1135 (Pa. 2018).



The purpose of this transparency requirement for passage of an amendment through two successive sessions in both houses with identical language was designed to curb the practice of inserting into a single bill a number of distinct and independent subjects of legislation and purposefully hiding the real purpose of the bill. Pennsylvanians Against Gambling Expansion Fund, Inc. v. Com., 583 Pa. 275 (2005). A resolution with multiple amendments addressing discrete issues muddies the legislative waters, and casts a cloud over the passage of the amendment. The public deserves and needs more to be put on alert that a constitutional amendment on a specific topic is coming their way. This requirement also serves the purpose of encouraging an open, deliberative, and accountable government. Id. The packaging of SB1 undermines these purposes.


This political packaging also sends a message to the victims in this state and the hidden predators that victims are once again second-class citizens whose proven needs are to be held hostage by a process drenched in politics they do not deserve.

We ask that you reject SB1 in favor of separating out the window amendment and finish what you started years ago. It's time. Survivors of child sexual abuse have already waited too long to be able to access justice they deserve—this process must not add to the delay. For more information about statute of limitations reform, visit childusa.org/sol/ or email info@childusa.org. Please do not hesitate to contact us if you have questions regarding SOL reform or if we can be of assistance in any way on other child protection issues.

Sincerely,



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