



## 2018 Proposed Platform Proposal

The members of the Pennsylvania Association of Criminal Defense Lawyers (PACDL) direct the association's legislative efforts. Accordingly, PACDL solicits and relies on its membership to develop proposals that are designed to: eliminate inequities based on policy or public law; express opposition or support for a policy, program or proposed legislation; or recommend changes to a state or federal policy, program or public law that would enhance the practice of criminal defense.

**Developing a Proposal:** Next year in April 2018, the members of PACDL will adopt its inaugural legislative platform. To ensure that your legislative proposal receives full consideration, we suggest that you consider the following questions when preparing your proposal for review by PACDL's Platform Committee: Does the issue only affect people in a local area or is it a statewide issue? How many and what category of individuals does the issue affect? Is the issue temporary in nature? What is the objective or preferred outcome to the proposed issue?

**Submitting a Proposal:** Individual members currently in good standing with PACDL may submit a legislative proposal to PACDL headquarters. Please complete the information requested below and submit to [pacdl@pacdl.org](mailto:pacdl@pacdl.org) no later than December 31, 2017. The proposal will initially receive consideration by the Platform Committee. This committee then will develop the proposed platform for review and consideration at the 2018 Annual Membership Meeting.

**Drafting Legislative Proposal:** In 1 to 2 paragraphs, your proposed legislative item should indicate PACDL's position and the supporting rationale for the position. Here are two examples of a plank:

Example 1: Eyewitnesses. *PACDL supports legislation that would ensure eyewitness procedures are used that are proven to improve the reliability of eyewitness testimony without impeding police investigations. Among the most important reforms is the adoption "double blind" sequential lineup procedures which reduces the possibility of the witness picking the person who looks most like the culprit and is conducted by a police officer who does not know the identity of the suspect, which thus prevents the officer from unconsciously or consciously providing cues to the witness.*

Example 2: Mens Rea. *PACDL supports legislation that addresses the erosion of the criminal intent, or mens rea, requirement in state and federal criminal law, that would include setting a default intent standard for all criminal laws and regulations that lack such a standard and would ensure that courts and creative prosecutors do not take the absence of a criminal intent standard to mean that the government can obtain a conviction without any proof of a guilty mind. For many years, there has been a drift away from the core requirement that the government prove some sort of culpable criminal state of mind to commit an illegal act before it can take away someone's liberty. And it has been accompanied by a dramatic rise in the number of criminal statutes and criminal regulations. There is a real risk that these laws are used to prosecute and imprison individuals who do not in fact have the knowledge, intent, or any culpable mental state with respect to the acts for which they are prosecuted.*

## 2018 PACDL Proposed Platform Plank

Name

Firm or Defender Office

Street Address

City

State

Zip

Email

Phone

Background of Current Practice Being Addressed

Objective of the Proposal:

Proposed Platform Item:

