

When Sentencing Changes, Pennsylvania Must Not Forget the Victims

By Laurie MacDonald, President & CEO, Center for Victims

For families of murder victims, no sentence can undo their loss. No verdict restores the lives stolen or the futures erased. But finality in the justice system still matters. That sense of finality was disrupted by the Pennsylvania Supreme Court's March 26 decision in *Commonwealth v. Lee*, which held that mandatory life without parole for all second-degree murder convictions—without individualized consideration—violates the Pennsylvania Constitution.

The Court did not end life without parole, order releases, or guarantee parole. It also did not decide whether the ruling applies retroactively. But it did open the door to the possibility of new proceedings in cases many families believed were long closed. That raises a critical question: what happens to the victims?

Pennsylvania has long promised crime victims rights to information, notification, participation, and support. Those rights become especially important when the justice system reopens cases years—or decades—later. For survivors, that can mean receiving unexpected notice of new hearings, resentencing, or parole-related proceedings. It can mean being asked again to confront the most traumatic moment of their lives, long after they have tried to rebuild. To the court system, it may be procedure. To families, it can feel like the past has been reopened.

That does not diminish defendants' constitutional rights, which must be protected. But victims' rights must be protected as well. Both must coexist. If *Lee* leads to additional proceedings, Pennsylvania will need to locate survivors in very old cases, many of whom have moved, aged, or died. Others may be navigating trauma for the first time in decades.

They will need more than notice. They will need clear explanations of what is—and is not—happening. Resentencing is not release. Parole eligibility is not parole. A hearing does not guarantee anyone is coming home. These distinctions are legally clear but emotionally overwhelming for families.

Victims may also need help preparing impact statements, attending hearings, safety planning, and ongoing trauma-informed support. And they will not all respond the same way—some will seek continued incarceration, others may support release or restorative outcomes. A victim-centered system does not dictate how survivors should feel. It ensures they are informed, supported, and heard.

That requires resources. Yet Pennsylvania's victim services system already relies heavily on unstable funding streams. Expanding victim involvement without strengthening that infrastructure risks failing the very people the system is meant to serve.

If new proceedings are created, the cost of supporting victims must be treated as part of the cost of justice reform itself. That means stable state funding, coordinated agency response, and

investment in notification, advocacy, counseling, accompaniment, and safety services. A right that exists only on paper is not a right at all.

When government reopens criminal cases, it assumes responsibility for ensuring victims are not forced to reenter the system alone, uninformed, or unsupported. Commonwealth v. Lee presents Pennsylvania with a choice: to ensure that constitutional justice and victims' rights are not competing values, but shared obligations.

We can uphold constitutional protections without erasing the needs of those harmed by crime. And we can recognize that while laws and sentences may change, the impact of homicide does not end when a case is closed. Court decisions may evolve. Sentencing laws may change. Pennsylvania's commitment to victims must not.