



# HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

## FISCAL NOTE

HOUSE BILL: 282

PRINTER'S NO: 302

PRIME SPONSOR: Walko

FISCAL IMPACT SUMMARY	FY 2008/09	FY 2009/10
<b>Expenditure Increase/(Decrease):</b>		
General Fund	See Analysis	See Analysis

### OVERVIEW:

House Bill 282 amends Title 18 (Crimes and Offenses) to further provide for the offense of neglect of a care-dependent person. This bill creates an additional offense of intentionally, knowingly, or recklessly endangering the welfare of a care-dependent person by failing to provide basic care. Basic care for a care-dependent person includes providing treatment, care, goods, or services necessary for the individual's health, safety, and welfare.

The penalty for this offense is a misdemeanor of the second degree, punishable by a maximum of two years in prison and/or a maximum fine of \$5,000. This legislation provides for an increase in penalty to a felony of the third degree, if there is a course of conduct endangering the welfare of a care-dependent person. A third degree felony is punishable by a maximum of seven years in prison and/or a maximum fine of \$15,000.

House Bill 282 also provides for further definitions related to private care residences.

This act takes effect in 60 days.

### ANALYSIS:

It is not possible to determine how many individuals may be charged, convicted, and sentenced under this act. However, there may be a fiscal impact on both Commonwealth funds and local funds as a result of the enactment of this legislation. At the sentencing stage, a convicted offender could receive punishment at either the state or local level. According to the Pennsylvania Commission on Sentencing, in 2007 there were a total of 29 individuals who were sentenced for neglect of a care-dependent person under current law. Of these 29 individuals, 21 were charged with first degree misdemeanors (causing bodily harm) and 8 were charged with first degree felonies (causing serious bodily harm). Offenders were sentenced to state prison, county jail, or probation resulting in an impact on both the state and local levels.

The average cost in 2008 for incarcerating an offender in a state correctional institution is almost \$40,000 per year (including health care). According to the Board of Probation and Parole, in 2008 the average cost for state parole supervision was \$3,139 per year. The average cost in 2008 for incarceration in a county jail is approximately \$50 per day or \$18,250 per year. The average cost for supervising a county adult offender in 2007 was \$680 per year.

While this legislation is expected to have minimal fiscal impact, if considered in conjunction with other legislation that increases the grading of penalties or creates new penalties, the impact to state and/or local governments may be substantial.

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**DATE:** March 11, 2009

**General Note and Disclaimer:** *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*