



HOUSE COMMITTEE ON APPROPRIATIONS
2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 373

PRINTER'S NO: 391

PRIME SPONSOR: Wansacz

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

OVERVIEW:

House Bill 373 amends Title 18 (Crimes and Offenses) by adding an offense for the death of a care-dependent person that results from neglect by a caretaker. This legislation requires the Pennsylvania Commission on Sentencing to adopt a sentencing enhancement for such an offense.

This act takes effect in 60 days.

ANALYSIS:

The Pennsylvania Commission on Sentencing (PCS) indicates that it will incur no substantial cost to create the sentencing enhancement.

According to data provided by PCS, in 2008:

- There were three individuals convicted of neglect of a care-dependent person that resulted in bodily injury. The penalty for this crime is a first degree misdemeanor that is punishable by up to five years in prison and/or a fine up to \$10,000.
- There was one individual convicted of neglect of a care-dependent person that resulted in serious bodily injury. The penalty for this crime is a first degree felony punishable by up to 20 years in prison and/or a fine up to \$25,000.

Without knowing what sentencing enhancement PCS will provide for neglect of a care-dependent person that results in death, it is not possible to anticipate any specifics related to the impact this legislation will have on the Department of Corrections (DOC). However, with only four individuals convicted under current neglect of a care-dependent law in 2008, it is assumed the impact on DOC will be nominal.

The average cost in 2008 for incarcerating an offender in a state correctional institution is almost \$35,000 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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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.*