



# HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

## FISCAL NOTE

**HOUSE BILL: 373**

**PRINTER'S NO: 1792**

**PRIME SPONSOR: Wansacz**

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

### OVERVIEW:

House Bill 373 amends Title 18 (Crimes and Offenses) to provide for a penalty of a felony of the first degree, punishable by a term of imprisonment not to exceed 30 years and /or a fine of \$25,000 if death results from neglect of a care-dependent person.

This act takes effect in 60 days.

### ANALYSIS:

The standard penalty for a felony of the first degree is a minimum prison sentence of 10 years with a maximum sentence of 20 years and/or a fine of \$25,000. House Bill 373 allows for the maximum sentence for the offense of neglect of a care-dependent person resulting in death to be increased from 20 years to 30 years.

Data from the Pennsylvania Commission on Sentencing indicates that in 2008 there were four individuals sentenced for neglect of a care-dependent person resulting in bodily injury or serious bodily injury. There was no data available for death resulting from neglect of a care-dependent person, but it is assumed that the number of individuals who would be sentenced under the provisions of House Bill 373 would be minimal. It is not possible to predict the exact number of individuals who would be guilty of the offense in House Bill 373 and it is not possible to predict the length and terms of sentences that Judges would hand down to guilty individuals. However, if one individual is found guilty of the offense of death from neglect of a care-dependent person and is sentenced to the maximum of 30 years – as opposed to a maximum of 20 years - it would cost the Commonwealth an additional \$350,000 for incarceration.

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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**DATE:** May 12, 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.*