



HOUSE COMMITTEE ON APPROPRIATIONS
2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 1324

PRINTER'S NO: 1829

PRIME SPONSOR: Josephs

FISCAL IMPACT SUMMARY	FY 2009/10	FY 2010/11
Estimated Revenue Increase/(Decrease):		
County General Funds (Statewide Total)	\$0	\$1,800

OVERVIEW:

This bill increases the maximum fine amount in §714 of Title 65, Pa.C.S. (Public Officers), for violations of open meetings, also known as the Sunshine Act. The current maximum fine is \$100 plus the cost of prosecution. The new maximum fine will be \$1,000 for a first offense or \$2,000 for a second or subsequent offense. The bill does not change the requirement that the penalty shall include the cost of prosecution.

The bill also prohibits an agency from making payments or reimbursing a member for the cost of any fine imposed from a violation of §714.

The effective date is sixty days.

ANALYSIS:

According to data provided by the Administrative Office of Pennsylvania Courts, there were only three convictions statewide under §714 in 2005, four convictions in 2006, one conviction in 2007, and none in 2008. Most fines imposed were at the allowable maximum amounts. On average, therefore, there were only two convictions per annum, none of which were second or subsequent offenses. If this annual average is a good indicator of future convictions, the average annual fine revenue then could increase by \$1,800 to \$2,000, assuming the maximum amounts were imposed. The fine revenue could be less if the courts impose fines less than the maximum. This note assumes the new fines become effective July 1, 2010.

According to the 2009 Revision Pennsylvania Manual of Civil and Criminal Penalties and Sentences, the money is payable to the county.

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House Appropriations Committee, (D)

DATE: March 10, 2010

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.*