



HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 2576

PRINTER'S NO: 3993

PRIME SPONSOR: Shapiro

FISCAL IMPACT SUMMARY	FY 2009/10	FY 2010/11
Expenditure Increase/(Decrease):		
General Fund	\$0	*See Analysis

OVERVIEW:

House Bill 2576 amends Title 18 (Crimes and Offenses) further providing for institutional sexual assault, penalties, and definitions.

Under this legislation, a person who is a volunteer or an employee of a public or private school, intermediate unit, or area vocational-technical school commits a third degree felony when he or she engages in sexual intercourse, deviate sexual intercourse, or indecent contact with a student of the school who is younger than 18 years of age. A conviction under this new crime shall also constitute a bar to employment under the Public School Code.

A separate provision of this bill would apply the same prohibitions to volunteers and employees of child care services.

This act takes effect in 60 days.

ANALYSIS:

Under current laws, teachers or other school employees who have sexual interactions with children over 16, the age of consent in Pennsylvania, are often charged with a corruption of minors charge that carries a misdemeanor penalty. House Bill 2576 would close this loophole and provide for a third degree felony penalty which is punishable by up to seven years in prison and/or a fine up to \$15,000.

According to the Pennsylvania Department of Education, from January 1, 2009 through April 2010 the following data includes teacher certifications that were surrendered in lieu of discipline, suspended, or revoked:

- Criminal convictions for crimes involving sexual contact with children/students (including corruption of minors): 21
- Criminal charges for crimes involving sexual contact with children/students (including corruption of minors): 24
- Educators engaging in sexual contact with children/students not resulting in criminal charges/convictions: 21
- Educators engaging in sexually explicit and/or romantic communication with children/students not resulting in criminal charges/convictions: 17

While this data is limited to teachers, it is important to recognize that this legislation includes **any** employee in a public school, private school, vocation-technical school, or child care services.

Under current statute, which is limited to correctional, public welfare, and public health facilities, the Pennsylvania Commission on Sentencing (PCS) indicates that seven incidents were reported in 2008. This relatively small number, according to PCS makes sense since the statute excludes those convicted under many other sex offenses. PCS also indicates that by extending the crime of institutional sexual assault to schools, the number of individuals covered by the statute will increase. However, the number of individuals that may be convicted of this new crime is not quantifiable.

The average cost in 2010 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 2010 the average cost for state parole supervision was \$3,000 per year. The average cost in 2010 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 2010 was \$800 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.

PREPARED BY: Rayko Pacana, Budget Analyst
House Appropriations Committee, (D)

DATE: June 29, 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.*