



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 924

PRINTERS NO. 1747

PRIME SPONSOR: Stephens

COST / (SAVINGS)

| FUND | FY 2010/11 | FY 2011/12 |
|--------------|------------|---------------------|
| General Fund | \$0 | Minimal (See Below) |

SUMMARY:

House Bill 924 amends the Crimes Code concerning institutional sexual assault.

ANALYSIS:

This legislation makes it a third degree felony for an employee, volunteer, or any other person who has direct contact with a student at a school to engage in sexual intercourse, deviate sexual intercourse, or indecent contact with a student of the school, regardless of the age of the student. It also makes it a third degree felony for a volunteer or employee of a center for children to engage in sexual intercourse, deviate sexual intercourse, or indecent contact with a child receiving services at the center. The bill also adds definitions.

FISCAL IMPACT:

The fiscal impact of this bill arises from treating as a felony behavior that under current may be only a misdemeanor or even non-criminal if it involves a student who is 16, 17, or 18 years of age. Much depends on the circumstances of each individual case.

According to the Department of Education, in 2010, 63 disciplinary actions were taken against educators involving sexual misconduct with students. Of those, 34 involved criminal charges or convictions and 29 were non-criminal. Presumably, these 29 cases would have been criminal under this legislation.

According to the Pennsylvania Commission on Sentencing, under current statute, which is limited to correctional, public welfare, and public health facilities, there were 7 instances of institutional sexual assault in 2008, 9 in 2009, and 4 in 2010.

Reliable data do not exist to predict how many additional offenders will be convicted and sentenced with enactment of this legislation. However, given the relatively small number of disciplinary actions and current offenders under the amended section, the overall fiscal impact on the state is expected to be minimal. The current average cost of incarcerating an offender in state prison is \$33,000 per year and the average cost for state parole supervision is \$3,000 per year.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: May 4, 2011

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.